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King's Bench, Westminster,

RS,

WOOD, and HOOPER,

heir Trial.

the Whole Proceedings.

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FAIRBURN's EDITION

OF THE

WHOLE PROCEEDINGS

ON THE

TRIAL

OF

JAMES WATSON, Senior,

FOR

High Treason:

INCLUDING

THE EVIDENCE

OF ALL THE WITNESSES:

SPEECHES

OF THE ATTORNEY-GENERAL, THE SOLICITOR-GENERAL, MR. WETHERELL, AND MR. SERJEANT COPLEY:

WITH THE

CHARGE TO THE JURY

AT FULL LENGTH.

TO WHICH IS ADDED,

THE ARRAIGNMENT AND DISCHARGE

OF

ARTHUR THISTLEWOOD, THOMAS PRESTON, AND JOHN HOOPER,

Tried, in the Court of King's Bench, Westminster, before Lord Ellenborough, Mr. Justice Bayly, Mr. Justice Abbott, and Mr. Justice Holroyd, June 9, 1817, and following Days.

ILLUSTRATED WITH ENGRAVINGS.

LONDON:

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PREFACE.

THIS cheap Edition of the State Trials, in daily Numbers, being now completed, the Publisher cannot avoid returning his most grateful and sincere Thanks to the Public for the very extraordinary patronage and encouragement they have bestowed on his exertions, evinced by a sale, at once unexampled in extent and rapidity: this he feels can only have arisen from the singular correctness and superiority of the Work itself to all others of a similar nature: to effect this desirable object, he has certainly spared neither pains nor expense, and he trusts that while nothing is omitted, it is necessary for the Public to be acquainted with nothing having been added which will be found at all extraneous, but that every attention has been paid that was due to so memorable and important an event, which, as was eloquently said by a learned Advocate for the Prisoner, on the Evidence of William Castle, should remain to be to the English people "the Pillar of Fire by Night, and the Cloud of Smoke by Day," that should guide them through the entangling mazes of Corruption and meshes of Conspiracy to their original birthright—the blessings of Liberty and Patriotism!

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In this Edition the Public have for one-half the Price full one-half more matter than is to be found in any other. The whole of the Evidence has been given entire, together with the glowing and forcible speeches of the Prisoner's Counsel, as well as those of the Advocates of the Crown, including the voluminous summing of the learned Judge, Ellenborough, in his Charge to the Jury, the animated discussions that arose on various points of the Evidence, with every particular down to the honest and gratifying verdict of the Jury. The Work is embellished with three highly interesting engravings; comprising faithful likenesses of the Prisoners, and a correct representation of the interior of the Court of King's Bench, at the time of the trial, rendering it altogether a valuable and most necessary record to every Englishman at all interested in the liberty and welfare of his Country, or the safety of that Constitution, for which his forefathers so gloriously fought and fell!

To give every facility to the research of the Reader, a copious Index has been compiled and affixed, which will point out at one glance the evidence of any particular Witness, and afford a complete guide to the distinct proceedings of each day.

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High Treason!!

FAIRBURN'S EDITION.

No. 1.

THE

WHOLE PROCEEDINGS

ON THE

TRIAL

OF

ARTHUR THISTLEWOOD, Gent.
JAMES WATSON, the Elder, Surgeon,
THOMAS PRESTON, Cordwainer, and
JOHN HOOPER, Labourer,

UPON AN INDICTMENT FOUND AGAINST THEM FOR

HIGH TREASON.

WITH THE CLERK OF THE CROWN WE SAY "GOD SEND YOU A GOOD DELIVERANCE."

ADVERTISEMENT.

EVERY person in the kingdom, from the highest to the lowest, must feel themselves interested in the fate of those persons who are, in a few days, to be put on their trial, charged with the crime of High Treason. The publisher of this work has, therefore, determined to gratify the public with a complete record of the *whole proceedings*, commencing with the Charge of Mr. Justice Bayly to the Grand Jury of Middlesex concerning the Bill of Indictment,—the Attorney-General's Speech to the Court after the Bills were found by the Grand Jury,—a List of the Jury summoned to try whether the prisoners are guilty or not guilty of the charge,—a List of Witnesses to be produced by government,—The Indictment containing all the Overt-Acts,—the Arraignment of the Prisoners and their pleading to the Indictment,—the Trial at full length,—including every particular connected therewith. The whole will be published daily, in numbers, at the trifling expense of *Three Halfpence each.*

Mr. Justice Bayly's Charge to the Grand Jury.—The Attorney-General's Speech to the Court.—List of the Jury summoned.

Court of King's Bench,
Monday, April 28, 1817.

CHARGE TO THE GRAND JURY.

This morning, at ten o'clock, the Grand Jury for the county of Middlesex having been sworn, Mr. Justice Bayly addressed them as follows:—

Gentlemen of the Grand Jury,—You are assembled, as grand jurors for this county, to discharge the duty of that service. Of the nature of your duty I have no doubt that you are previously well aware. It is in general to examine into each of the particular charges that may be brought before you; and, if you

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find a charge supported by such evidence as you are induced to believe corresponds with the charge, you return the bill containing such charge as true. But I understand that there is likely to be brought under your consideration a charge different from those which ordinarily occupy the attention of grand jurors in this place—a charge of the highest crime that can be committed—the crime of high treason. Of the particular evidence by which that charge is to be supported, I am (as I ought to be) as ignorant as you are; but it is my duty, as accurately as I can, to point out to you the law applicable to the subject, so that you may be enabled to refer that law to the evidence which may be brought under your consideration; and thus that you may be enabled to decide between the public on the one hand, and the individuals accused on the other. The charge of which I have spoken as likely to be brought before you will consist, I believe, of four different descriptions of treason; there will be—the first, compassing and imagining the King's death; another will be, compassing and imagining to depose the King; the third will be that of levying war against the King; and the fourth will be not actually levying war against the King, but conspiring to levy war, to force the Crown to change its measures and counsels.

"Gentlemen, of these, two—namely, the first and third—were made treason by an Act of Parliament as long ago as William III. The other two were made treason by an Act of Parliament in the present reign, namely the 36th of Geo. III. cap. 7. I mention the chapter, because, in considering the question, you may have occasion to refer to it. Of these, that of compassing and imagining the King's death is considered as an act of the mind; and, unless it is further evinced and indicated by some act preceding to that end, or to the deposing of the king, the charge would not be made out; and upon this count, you must not only have a conviction that that idea entered the mind of the individual, but that he acted upon that compassing and imagination. The law considers that it is not necessary that the idea which enters the mind of the idividual who is charged should be actually to destroy the king, or actually to depose the king; but if his object should be of such a nature as that, in the means taken to accomplish it, the life or safety of the king are likely to be brought into hazard, it will be considered, that entertaining and acting upon an object of that kind is necessarily contemplating the ultimate end, viz. the death or deposition of the king. You are considered as always bearing in mind that act which is likely to be the consequence of the means which you are adopting for effecting a particular purpose.

"In levying war against the king, a compassing and imagining of his death is supposed by the law; because a man who would be wicked enough to levy war against the crown would, if he were successful, entirely take off and remove from the throne that power whose duty it would be to punish the offence of high treason. Therefore, the levying war would be what is called an overt act of compassing and imagining the King's death, or of compassing and imagining the deposing of the King.

"Gentlemen, it is very necessary that you should be apprised beforehand of what the law considers as a levying of war. It is not absolutely necessary, in order to constitute that offence, that there should be a regular organized force, or that the persons should be in military array. If there is an insurrection, that is, a large rising of the people, for the purpose of effecting by force and violence, not any private objects of their own, but a public purpose, that

is by law a levying of war. There must be an insurrection, and force must accompany that insurrection, and the objects must be of a general nature.

"This has been under the consideration of the judges at many periods of time, and has always received from them the same opinion. One of the earliest cases was one when there was a general rising of a great many people—a mob of about five thousand persons, with a view, (not, to be sure, of a wicked nature), but to put down all brothels,—houses of ill-fame. That was not to revenge any private wrongs of any of the individuals, but with a view to a general reform. The judges were of opinion that it was not for individuals to take upon themselves to effect any general purpose by force and violence; and that was considered an act of high treason, as an act of levying war.

"Another of the early cases was not of a very different description; it was one in which the persons met with a view of putting down all meeting-houses by force, those were the meeting-houses of those persons who differed in religious opinion from the established church. Thence the judges, in the reign of Queen Anne, were of opinion, that, inasmuch as the rising with force was for a general purpose, it constituted the offence of levying war.

"Gentlemen, in our own times, in the case of my Lord George Gordon, there was an insurrection for the purpose of putting down Popery; and I dare say, many of you recollect the cry of 'No Popery.' That was an insurrection for the purpose of putting down a religious establishment with force and violence; and there the judges had no doubt or difficulty, that a rising for the general purpose with force, was an act of levying war against the Crown. The text writers on this subject, both the learned Sir Matthew Hale, and Mr. Justice Foster, who coolly considered this question in their closets, were of the same opinion. Therefore, what I say is not only the opinion of the judges who decided on the cases when they came under their consideration, but also of those who were writing for posterity. Therefore, if in that which shall come before you, you shall find that there was a rising, accompanied with circumstances of force and violence, and if you shall be satisfied that the persons who rose had as their object to effect by force or violence any general reform of any description whatever, or any other public purpose, it will amount to a levying war.

"Another of the charges will be, conspiring to levy war with a view to force the Crown to alter its measures and counsels. That charge supposes that there has not been so much insurrection as amounts to the actual levying of war, but merely supposes that certain persons have met together, and that the result of their deliberations is to effect such a rising as will procure their object—namely, the forcing the King to change his measures and counsels.

"In order to support these different charges, the law expects that what are called *overt* acts will be stated in the bill of indictment. The overt acts do not constitute the treason, but they are inserted in the indictment as the evidence which is afterwards to make out the charge. They are also inserted that the prisoner or person accused may be aware beforehand of the evidence that is to be brought against him, and that he may be on his guard. Many overt acts will, no doubt, be alleged, and you will strike out such as you do not conceive to be supported by the evidence.

"In cases of treason, it is necessary that there should be two witnesses, in order that the accused may be convicted; two witnesses to each overt act; but it is not necessary that one

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overt act, and another another in the same count, that will be sufficient in law to warrant conviction.

"It will also be necessary, before you can return a true bill, that you should be convinced that some of the overt acts were committed in the county of Middlesex, which is only within your jurisdiction; but if one is proved to be committed within your jurisdiction, then you will have power to inquire as to all the others, whether committed in Surrey, in London, in any other part of the country, or even out of the country.

"In the ordinary cases of felony, Gentlemen, there are accessaries both before and after the fact on many occasions; but in treasons all are principals. No matter when a man enters into the common design; the moment he has entered into it, he becomes a party to all that has been done by the others before, and to all that may be subsequently done.

"'Conspiring' and 'consulting' will be alleged as some of the overt acts; and, in order to support them, it will not be necessary that you should have evidence from persons who heard them consult; but if you find that there was a plan, and you shall be satisfied that there was a previous consultation and conspiracy, of the measures of which the persons charged have adopted, that will warrant you in finding the bill of indictment against them.

"I have endeavoured, gentlemen, to offer you such considerations as occur to me, by way of directing your judgment, but not with a view of influencing your passions.

"I am sure you will give this high and heavy charge the fullest and fairest investigation; and you will not return a bill against all or any of these persons unless it is proved to the satisfaction of your minds that they are guilty of all, or some of the charges.

"These observations I have thought it material to offer to you; and if, in the execution of your duty, any difficulty should arise, I should be very glad to give you any assistance which is in my power."

The jury then proceeded to the grand jury-room, where the bill of indictment against Watson the elder, Preston, Hooper, Thistlewood, and Keens, was laid before them and read. It is, of necessity, from the nature and form of such indictments, extremely long. It comprises four counts, and imputes to the persons charged fourteen overt acts of treason. At one o'clock, Mr. Litchfield, Solicitor for the Treasury, the first witness, was called in, and the others were called in their order.

The grand jury continued to sit until half-past five, when they adjourned, for the purpose of examining the remaining witnesses next day.

Court of King's Bench,
Tuesday, April 29.

Just as the Court was about to rise, the Foreman of the Grand Jury, accompanied by his fellows, delivered in their presentment, on which it was stated that they found true bills against *Arthur Thistlewood*, *James Watson* the elder, *Thomas Preston*, and *John Hooper*, for High Treason.

The bill against *John Keens* was not found.

As soon as the names had been read, the *Attorney-General* addressed the Court, as follows:—In consequence of the bills of indictment now returned by the Grand Jury, it becomes my duty to move your lordships, that the Sheriff of the county of Middlesex be directed to furnish Mr. Litchfield, as solicitor for the prosecution, with a list of the proper number of persons capable of serving on the Jury, that copies of that list may be delivered to each of the persons against whom bills of indictment have been found.

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The Court then made an order accordingly.

The *Attorney-General* proceeded:—It may not be improper for me to take this opportunity of stating to your lordships, there has been nothing which I, and I may say every person connected with the duty of prosecuting, have had more at heart than that it should be brought to the earliest possible examination. Your lordships know perfectly well, that by the kind permission of the Court, even the present stage of inquiry has been somewhat accelerated: by the usual course of proceeding the Grand Jury would not have been summoned so early in the term; therefore every facility has been afforded that the persons accused might have their deliverance at the earliest moment. Your lordships have now ordered, that the Sheriff of the county of Middlesex shall return a certain number of names of persons to serve upon the Jury, and your lordships are aware that that number must be considerable. It is not possible to state exactly at what time that duty will have been performed, but we have every reason to believe that it will occupy some time; and taking it at the very earliest moment, and with the utmost anxiety that the cases shall be tried as soon as possible, your lordships would find yourselves unable to name a very early day. By law, without consulting the convenience or the desire of any body, it is impossible that an earlier day can be named for commencing the trial than the Friday preceding the conclusion of the term; leaving, therefore, only Saturday and Monday afterwards, the latter being the last day of your lordships sitting in banc. Your lordships will be aware, that at least a considerable portion of the first day of such a proceeding must necessarily be consumed in assembling a jury for the trial of the accused to which there is no objection; so that my duty of stating the case would not commence until late on Friday. There will then only be left Saturday and Monday for the conclusion; and if, by any accident, by the length of the inquiry itself, by the number of witnesses to be examined, or by any other circumstance, the trial should be protracted so as not to be finished by the end of the term, I need not state to your lordships the consequences: all our labour would have been vain. In a grave proceeding like the present, I say nothing of the inconvenience that would be felt at the end of the term by the interruption of business; for I am sure that your lordships would willingly lay aside all other matters, however important; but, under all the circumstances, it does appear to me that I should be abandoning my duty if I were to hesitate for a moment on the point whether I should ask your lordships to take these trials at bar during the present term. I think that it is my duty to the prisoners, which I hold to be paramount to my duty to the public, or at least as standing on one footing, being in truth the same, to ask that a later day should be appointed. I can have no wish but, in common with your lordships, that justice shall be satisfactorily administered; and I thought, therefore, that the earliest moment when I could communicate with the Court upon the subject was the fittest moment. I should request that your lordships will have the goodness to fix as early a day as possible in the next term for commencing proceedings. Before I sit down, it may be fit to intimate, that in the course of the term I shall apply to the Court that the parties accused may be arraigned, which will be one step gained this term; but to proceed to the trial is, I am sure, impossible.

Lord Ellenborough. — From what you state, Mr. Attorney-General, the Court understand that the trial cannot be practicably concluded in the present term; if so, it would answer

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no useful purpose, and be a waste of labour and attention, as well as distressing to the feelings of the persons who are the object of the prosecution; the Court will, therefore, consider what day in the next term will be convenient for entering upon this business.

The *Attorney-General*. — Of that your lordships will probably inform us after consideration: at present I believe it is not necessary to trouble the Court: for the sake of the prisoners I deemed it my duty to mention the subject without delay.

Lord Ellenborough.—The first day of the trial would certainly be occupied in the way you have stated, and at what time the business could be terminated must, of course, be uncertain.

Their lordships then consulted together for a few seconds, after which

Lord Ellenborough added—Without pledging ourselves not to alter our determination, it will do no harm that the Court should intimate that they have it in contemplation to fix the first Monday in the next term. Such motions for new trials as may be to be made may come on on the Friday and Saturday previous, so that the business may be proceeded in on the third day of the term.

The Grand Jury then withdrew, and the Court adjourned.

LIST OF THE JURY
summoned for the Trial.

Thos. Mitchelson, of Green-street, Grosvenor-square, surveyor.
Thos. Allman, of Prince's Street, Conduit-street, bookseller.
Robert Durham, of Mill-street, Conduit-street, carpenter.
John Turner, of New Bond-street, jeweller.
Robert Norton, of Pickett-street, Temple-Bar, button-maker.
Daniel Wilshen, of Long-Acre, Esq. gold-beater.
Thomas Boot, sen. of Leicester-sq. grocer.
John Tomlinson, of Bedfordbury, Covent-garden, woollen-draper.
Peter Richardson, of Charing-cross, Esq. lottery-office-keeper.
Samuel Edwards, of Robert-street, Adelphi, wine-merchant.
Henry Underwood, of Drury-lane, cutler.
Charles Eady, of Goswell-st. water-gilder.
Thomas Hacker, of the same, timber-merchant.
George Allen, of Banner-street, St. Luke, brass-founder.
Daniel Gardner, of Chiswell-street, hatter.
Samuel Fish, of St. John-street, tobacconist.
John Woodhead, of Drury-lane, distiller.
John Lane, of Thornhaugh-street, Bedford-square, Gent.
Thomas Capper, of Beaufort-wharf, Strand, coal-merchant.
Francis Wingrave, of the Strand, bookseller.
John Bryant, of Wapping-st. anchor-smith.
James Fraser, of the same, biscuit-baker.
Arthur French, of the same, ironmonger.
John Franklin, of Gower-street, Esq.
William Beckett, of the same, Esq.
Peter Ludgate, of Great Queen-street, Lincoln's-inn fields, Gent.
John Doyle, of Holborn, fan-light manufacturer.
William Hughes, of the same, truss-maker.
William Bailey, of the same, ironmonger.
William Philpot, of the same, linen-draper.
Daniel Papperil, of Garden-place, Great Turnstile, Holborn, tailor.
John Rabbeth, of Red Lion-street, Holborn, cheesemonger.
William Boyle, of the same, tinman.
Samuel Kell, of the same, carpenter and undertaker.
John Wilton, of Bedford-street, Bedford-row, boot-maker.
John Dickens, of Greville-street, Hatton-garden, baker.
James Clark, of Laystall-street, Liquorpond-street, Gent.
George Belles, of Gray's-inn lane, grocer.
Robert Armstrong, of Baldwin's Gardens, Gray's-inn lane, pawnbroker.
Richard Ramsden, of Brook-street, Holborn, capillaire-maker.
William Marsh, of the same, dyer.
Joel Edwards, of Greville-street, Hatton-garden, tailor.
William Phillips, of Holborn, ironmonger.
Charles Parry, of the same, linen-draper.
Joseph Arden, of Fulwood's Rents, Holborn, glassman.
Christopher Scott, of Brownlow-street, Holborn, tailor.
Edward Helling, of Featherstone-buildings, Holborn, painter.
Thomas Bean, of Dean-street, Holborn, butcher.
Thomas Cordell, of Leather-lane, Holborn, Gent.
Charles Cox, of Hatton-garden, army-agent.
Thomas Wilbee Barker, of Kirby-street, Hatton-garden, silversmith.
George Woodward, of Leather-lane, Holborn, turner.

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Richard Jaques, of Hatton-garden, auctioneer.
Thomas Rich, of Holborn-hill, hatter.
Richard Flemming, of Tottenham-court-road, Esq. surveyor.
Samuel Baxter, of Carmarthen-street, Tottenham-court-road, Esq. builder.
William Bentham, of Upper Gower-street, Esq. conveyancer.
John Christmas, of Upper Thornhaugh-street, Esq. painter.
William Knight, of Euston-place, Euston-square, Esq.
Bowman Atkinson, of London-street, Fitzroy-square, Gent.
James Heath, of Russell-place, Fitzroy-sq. engraver.
Jas. Catforth, of Lower Fitzroy-street, Fitzroy-square, Gent.
Samuel Baker, of Tottenham-court-road, pork-butcher.
Joseph Neal, of Keppel-row, Fitzroy-square, stone-mason.
Wm. Thomas Miles, of Hertford-street, Fitzroy-square, grocer.
Fred. Holbrook, of Upper Fitzroy-street, Fitzroy-square, Gent.
Rudolph Ackermann, of the Strand, print-seller.
Wm. Winchester, of Cecil-st. Strand, Gent.
John Mawe, of the Strand, ship-owner.
John Parker, of the same, woollen-draper.
Robert Hall Westley, of the same, bookseller.
Henry Buckley, of the same, floor-cloth-manufacturer.
Abraham Walker, of the same, mercer.
William Robert Burgess, of the same, oilman.
James William Brooks, of the same, glass-dealer.
John Miers, of the same, miniature-painter.
Edward Wilson, of the same, upholsterer.
John Burnthwaite, of the same, linen-draper.
William Dobson, of the same, jeweller.
James Halford, of Norfolk-street, Strand, navy-agent.
Samuel Page, of Doughty-street, Guildford-street, builder.
William Forsyth, of Nottingham-place, Mary-le-bone, Esq.
John Spicer, of Gray's Street, Duke-street, Manchester-sq. brandy-merchant.
John Smith, of John-street, Mary-le-bone, undertaker.
Richard Miller, of Mortimer-street, Mary-le-bone, tailor.
James Little, of the same, upholsterer.
John Thompson, of Newman-street, Esq. auctioneer.
Thomas Papworth, of the same, plasterer.
William Porden, of Berner's Street, Esq. architect.
William Reynolds, of Oxford-street, bookseller.
James Rumble, of Orchard-street, Portman-square, butcher.
Nicholas Cade, of High-street, Bloomsbury, carpenter.
Francis Hagar, of Plumtree-street, St. Giles's, grocer.
Francis Keysall, of Broad-street, St. Giles's, cheesemonger
Thomas Adcock Grindall, of the same, distiller.
John Eaton, of the same, brandy-merchant.
John Heath, of Queen-square, Esq. merchant.
Charles Stone, of Great Ormond-street, Gent.
Richard Hosman Soly, of the same, Esq.
James Peak, of Great Ormond-yard, Queen Ormond-street, bricklayer.
John Best, of Devonshire-street, St. George the Martyr, Gent. coal-merchant.
John Booth, of the same, Gent. surveyor.
Thomas Todd, of the same, Gent. surveyor.
Samuel Homer, of Red Lion-square, appraiser.
Samuel Roberts, of Old North-street, Red Lion-square, victualler.
Richard Perkins, of Red Lion-street, Holborn, shoemaker.
Edward Powell, of the same, grocer.
Charles Baxter, of Red Lion-passage, Red Lion-street, Holborn, porkman.
Henry Jackson, of the same, boot and shoe maker.
Peter Bardin, of the same, painter and glazier.
Wm. Sabine, of Church-street, Christchurch, carpenter.
John Pittard, of the same, paper manufacturer.
Thomas, Gable, of the same, weaver.
William Hale, of Wood-street, Christchurch, weaver.
John Edger, of Prince's Street, Christchurch, weaver.
Evan Jones, of Brown's Lane, Christchurch, grocer.
James Soames, of Wheeler-street, Christchurch, soapmaker.
Robt. Young, of Holywell-street, Shoreditch, Esq. bricklayer.
John Marshall, of the same, Esq. grocer.
Robert Hill, of the same, tobacconist.
Joseph West, of the same, grocer.
Robert Conyers, of the same, ironmonger and dealer in marine stores.
Thos. Titterton, of the same, coachmaker.
William Hackblock, of the same, carrier.
Joseph Teale, of the same, shoemaker.
William Grainger, of the same, grocer.
John Ham, of Spital-square, weaver.
Samuel Knight, of High-street, Norton-falgate, Esq. druggist.
Geo. Woolrich, of White-Lion-street, Norton-falgate, weaver.
Thomas Carr, of Chapel-yard, Norton-falgate, plasterer.
Wm Pryor, of White Lion-street, Norton-falgate, leather-seller.

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Thomas Porter, of Long-alley, Moorfields, baker.
Thomas Armitage, of the New-road, St. George's in the East, Esq.
George Armstrong, of Wellclose-square, coal-merchant.
Thomas Burford, of Ratcliffe-highway, Gent. stationer and paper-hanger.
Charles Berner, of Berner's Street, Commercial-road, Gent.
Thomas Dix, of Cannon-street-road, coal-merchant.
William Stocks, of Wapping-street, hatter.
Thomas Brown, of the same, instrument-maker.
Thomas Driver, of the same, slop-seller.
John Hartshorn, of the same, Esq. sail-maker.
John Jenkins, of the same, coal-merchant.
Thomas Morton, of the same, Esq. brewer.
Peter Mallard, of the same, Esq. sail-maker.
Alexious John Strickland, of the same, Esq. coal-merchant.
Sawyer Spence, of the same, plumber.
Sharp Thurlby, of the same, tallow-chandler.
John Henry Wackerbarth, of Parson-street, Wapping, Esq. sugar-baker.
Richard Gray, of King-street, East Smithfield, ironmonger.
Joseph Metcalf, of Upper East Smithfield, oilman.
William Loat, of the same, currier.
John King, of the same, currier.
William Selby, of the same, slop-seller.
William Phillips, of Manor-row, East Smithfield, music-seller.
John James Harris, of Nightingale-lane, watch-maker.
Thomas Thornton, sen. of Lower East Smithfield, Gent.
James Rutherford, of the same, brazier.
Alexander Mitchell, of the same, wharfinger.
Andrew Laurie, of the same, wharfinger.
Jonathan Docker, of Burr-street, East Smithfield, auctioneer.
Alexander Simson, of the same, mahogany-broker.
Thomas Wildman Goodwyn, of the same, brewer.
Joseph Watson, of the same, merchant.
Thomas Mashiter, of Ditch-side, Saint Catherine's, Esq. wharfinger.
Robert Helme, of the same, Esq. wharfinger.
William Gibbs, of New-street, Saint Catherine's, distiller
John Crompton Bishop, of Saint Catherine's Court, Saint Catherine's, distiller.
Henry Popkin, of St. Catherine-street, provision-merchant.
George Richardson, of the same, optician.
John Annis, of High-street, Kensington, builder.
William Rogers, of the same, brazier.
Daniel Jones, of the same, Esq.
William Mair, of the same, Esq.
Samuel Drew, of the same, Esq.
George Aust, of the same, Esq.
Richard Davis, of Church-street, Kensington, Gent.
Philip Codd, of Holland-street, Kensington, Esq.
William Smith, of Church-court, Kensington. Esq.
John Gregory, of Kensington-square, Gent.
Charles Walker, of the same, Esq.
Richard Chase, of the same, Esq.
Thomas Buckland, of Phillimore-place, Kensington, Gent.
Philip Gilbert, of Earl's Court, Kensington, silversmith.
Samuel Hutchins, of the same, farmer.
William Brooks, of Tothill-street, Westminster, hardwareman.
William Appelbee, of the same, stationer.
Thomas Stone, of the same, cooper.
Richard Wilford, of Dean-street, Westminster, stone-cutter.
Samuel Tansley, of the Almonry, Westminster, ironmonger.
Jonathan Green, of New Tothill-street, Westminster, cowkeeper.
William Cleghorn, of the same, shoemaker.
Samuel Milner, of Dean's Yard, Westminster, stable-keeper.
William Girdler Mucklow, of Old Tothill-street, Westminster, oilman.
Wm Fell, of Great Chapel-street, Westminster, currier.
Joseph Smith, of Dacre-street, Westminster, Gent.
Thomas Williment, of Green-street, Grosvenor-square, painter.
George Musgrove, of the same, Esq.
Thomas Lowe Hughes, of the same, Esq.
James Scott, of the same, Esq.
George Godfrey, of New Bond-street, shoemaker.
Richard Artist, of the same, poulterer.
James Wood, of the same, confectioner.
Samuel Pratt, of the same, trunk-maker.
Edward Orme, of the same, printseller.
Wm Turner, of the same, perfumer.
Wm Kinsey, of the same, linen-draper.
Henry Hope, of Oxford-street, oilman.
Robert Hartley, of the Strand, perfumer.
John Rose, of Pickett-street, Temple-bar cheesemonger.
Charles Hewett, of the same, engraver.

(To be continued.)

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Trials for High Treason!!

FAIRBURN'S EDITION.

No. 2.

List of the Jury continued.—Copy of Subpœna.—List of Witnesses to be produced.—Arraignment of the Prisoners.—The Indictment.

JURY CONTINUED.

James Howes, Picket-st. Temple-bar, baker.
William Randell, of Holborn, grocer.
Hugh Monroe, of Gilbert-street, Clare-market, corn-chandler.
Wm Sadler, of Vere-street, Clare-market, tallow-chandler.
David Cunningham, of the same, glass-cutter.
Stewart Campbell, of the same, baker.
David Anderson, of Carey-street, carpenter.
Wm Jackson, of Great Shire-lane, white-smith.
George Barbut, of Chandos-street, Covent-garden, boot-maker.
Alex. Jupp, of the same, grinder.
John Kepp, of the same, coppersmith.
Stafford Price, of St Martin's Lane, cuvrier.
Abraham Dry, of the same, pawnbroker.
John Bayley, of the same, woollen-draper.
John Hunter, of the same, mercer.
Walter Williams, of the same, button-maker.
Thomas Palmer, of the same, glass-cutter.
James Richards, of Heming's Row, St. Martin's Lane, shoemaker.

Copy of the Subpœna.

George the third, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith. To A. B.—C. D.—E. F.—G.H.—and to every of them, greeting: We command you and every of you, that, laying aside all excuses and pretences whatsoever, you and every of you personally be, and appear before us, at Westminster, on Monday, the ninth day of June, next, by nine of the clock in the forenoon of the same day, there to testify the truth, on our behalf, against Arthur Thistlewood, James Wilson, the elder, Thomas Preston, and John Hooper, for High Treason, and this you or any of you are not to omit under the penalty of one hundred pounds, to be levied on the goods and chattles, lands and tenements, of such of you as shall fail herein. Witness Edward Lord Ellenborough, at Westminster, the nineteenth day of May, in the fifty-seventh year of our reign.

By the Court,

(Signed) LUSHINGTON.

A LIST OF WITNESSES,

To be produced by Government on the Trial.

John Ackroyd, servant, (now out of place,) Allsop-buildings.
Harry Adkins, patrole, Bow-street.
Richard Angel, Prince's Row, Newport-market, harpmaker.
Mary Apted, No. 10, King-street, West, Edgeware-road, wife of R. Apted, bricklayer.
Robert Baker, of Marlborough-street, esq. one of the Justices of the public-office there.
Thomas Baker, waiter at the Cheshire-cheese public-house, in Crutched-friars.
Zaccheus Bannister, Hyde-street, Bloomsbury, caneworker.
Ann Bannister, wife of the said Z. Bannister.
Henry Barlow, Brunswick-square, Esq. Secondary on the Crown side of his Majesty's Court of King's Bench.
Thomas Bateman, Tottenham-court-road, servant to J. Wadmore, pawnbroker.
Samuel Bates, a soldier in the first regiment of life guards, Knightsbridge-barracks.
John Beckett, Great George-street, Westminster, Esq. one of his Majesty's Under Secretaries of State.
William Andrew Beckwith, Skinner-street, gunmaker.
Henry Beckwith, son of the said W. A. Beckwith.
Isaac Bentley, Bird-in-hand-court, Hart-street, Covent-garden, locksmith and bell-hanger.
Daniel Bishop, Great Queen-street, Lincoln's-Inn-fields, constable belonging to Bow-street.

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Marchant, Printer, Ingram-Court, Fenchurch-Street.

William Bland, Union-place, Ball's Pond, labourer.
John Bletsoe, soldier in the 2d or Coldstream Foot Guards.
George Bogue, Grand Junction-street, Whitefriars, timber-merchant.
George Bolton, Stanhope-street, May-fair, servant to the Earl of Essex.
George Bradley, High-street, Mary-le-bone, victualler.
Martin Brander, Minories, gunmaker.
John Bridgens, serjeant in the 2d or Coldstream regiment.
C. Briscoe, 30, Hyde-street, Bloomsbury, grocer.
Mary Briscoe, wife of the said C. Briscoe.
James Brookes, Paddington-street, Mary-le-bone, pawnbroker.
James Brown, soldier in the 2d or Coldstream Foot Guards.
William Brown, George-street, Blackfriars-road, smith.
G. Buchanan, soldier in the 2d or Coldstream Foot Guards.
James Buller, of Sackville-street, Esq. one of the clerks of his Majesty's Privy Council.
Sir Francis Burdett, St. James's Place, bart.
Rhodes Button, Tower of London, yeoman porter, and acting gentleman-goaler thereof.
Benjamin Pitts Capper, Dunsane-place, Clapham, Esq. clerk for the superintendance of Aliens.
Robert Carter, Tower, yeoman-warder thereof.
D. Cartwright, Trafalgar-place, Redcross-street, marshalman.
John Cartwright, James-street, Buckingham-gate, Esq (Major Cartwright).
John Castle, lately abiding at the house of R. Angel, Prince's Row, Newport-market, now a prisoner in Tothill-fields Bridewell, whitesmith.
James Chappell, Long Acre, victualler.
Richard Viscount Chetwynd, Bolton-row, Piccadilly, of his Majesty's most honourable Privy Council.
Stephen Claddis, High-street, Southwark, yeoman-warder of the Tower.
John Clark, East-street, Walworth, yeoman-warder of the Tower.
William Clark, of the Tower, yeoman-warder.
C. Clarke, 8, Kenton-street, Brunswick-square, gold-lapper.
W. Clarke, jun. King-street, Christchurch, weaver.
Sir Nathaniel Conant, Portland-place, one of the Justices at the public-office in Bow-street
Daniel Cook, of the Tower, yeoman-warder.
Charles Cooke, Cow-cross, inspector of hawkers' licences.
R. Cooper, of Water-lane and Bouverie-street, tavern-keeper.
Eleanor Corbould, Southampton-buildings, Chancery-lane, lodging-house-keeper.
Walter Cosser, Milbank-street, timber-merchant.
Thomas Cox, Middle-row, St. Giles's, porter.
John Crisp, No. 3, Tyler's Court, Wardour-street, grocer.
Thomas Darlington, a soldier in the 2d or Coldstream Regiment of Foot Guards, abiding in a hut near the Military College at Sandhurst, Berks
Thomas Davis, Essex-street, White-faiars, victualler.
William Davis, Newcastle-street, Southwark, shoemaker.
Henry Dealtry, Bedford-row, Esq. clerk of the rules on the Crown side of his Majesty's Court of King's Bench.
John Dean, Swallow-st, Piccadilly, tinman.
John de Fleury, 30, Hyde-street, Bloomsbury, schoolmaster.
Mary de Fleury, wife of the said John de Fleury.
John Delaforce, Shoe-lane, victualler.
Vincent George Dowling, George-street, short-hand-writer.
Wm Drinkwater, King-street, Smithfield, constable.
Wm Duke, New Cut, Lambeth, wheelwright.
Mary Duke, daughter of the said W. Duke.
John Dyall, Felix-street, Hackney-road, weaver.
Geo. Dyer, 98, High Holborn, clerk at the Bank of England.
Rd East, Tower of London, yeoman warder.
Thos Edmonds, a soldier in the 2d or Coldstream regiment.
Lucy Eldridge, Wandsworth-road, wife of J. Eldridge.
Adam Elliott, Stangate-street, Lambeth, victualler.
Wm Elliott, of Paradise-buildings, Lambeth, clerk.
Robt Emery, Union-street, Hackney-road, victualler.
Michael John Fitzpatrick, the younger, of Bath-street, Clerkenwell, gentleman, one of the clerks at the Public Office, in Hatton-garden.
Wm Fletcher, of the Tower of London, yeoman warder.
Geo. Flint, Edgware-road, pawnbroker.
Margaret Maria Folkes, servant, (now out of place,) 2, Neville's Court, Fetter-lane.
John Gilling, a soldier in the 3d regiment of foot-guards, abiding in the Tower of London.
James Gillmor, Rochester-row, Westminster, constable, belonging to the Public Office in Queen-square, Westminster.
Ed Goodspeed, Hatton-wall, undertaker and blindmaker.
Wm Gordon, West-street, Gravesend, clerk to the inspector of aliens.
Ed Goulding, Ditton, Buckingham, painter.
Wm Gowers, Falconberg-court, Soho, chimney-sweeper.

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Thomas Graves, Cow-cross, broker.
Cornelius Gray, Oakley-street, Lambeth, victualler.
C. J. Green, King-street, Covent-garden, short-hand-writer's clerk.
James Guess, 4, Lisson-row, Lisson-grove, stone-sawyer.
John Hall, Circus, Minories, merchant.
William Ham, Gray's Inn-lane, livery-stable-keeper.
Rob. Harper, the younger, Hemlock-court, Carey-street, mariner,
William Harris, a soldier in the 2d or Coldstream regiment.
John Harrison, Castle-street, Long Acre, turner.
Thomas Harrison, Grafton-street, Soho, victualler.
Susannah Harrison, wife of the said T. Harrison.
Jane Hatton, Hyde-street, Bloomsbury, servant to Z. Bannister, before-named.
Ann Hayes, Horseferry-road, Westminster, servant to H. Wheatley, victualler.
John Heyward, 6, Stangate-wall, Lambeth, stock-broker.
Thos Hillingworth, 6, Hand-court, Holborn, servant to John Leach, Esq.
Henry Hobhouse, Hunter-street, Brunswick-square, Esq. barrister-at-law, and assistant solicitor for the affairs of His Majesty's Treasury.
Francis Hobler, Queen's Row, Pentonville, clerk to the Lord Mayor.
Joseph Hodges, Bethnal-green-road, victualler.
John Hodgetts, Paternoster-row, silk-mercer.
Wm Hoole, 94, Holborn, clerk at the Bank of England.
William Hillyer, the elder, Westminster-road, victualler.
William Hillyer, the younger, of the same place.
Edward Hone, 34, New Broad-street, gun-maker.
John Huggins, Tothill-street, Gray's Inn-lane, tidewaiter in His Majesty's Customs.
Mary Hulse, Fox-under-the-Hill, Ivy-bridge, Strand, victualler.
Henry Hunt, Middleton-Cottage, Hants, gent.
Wm Hurst, Woburn-street, Drury-lane, victualler.
Margaret Hurst, wife of the said William Hurst.
William Jones, 32, Old Compton-street, St. Giles's, belonging to the Public Office in Bow-street.
Francis Kinnersley, Hanover-court, Houndsditch, beadle of St. Botolph.
Jas. Kinsley, Dean-street, Fetter-lane, dealer in marine stores.
Mary Kinsley, wife of the said Jas. Kinsley.
Stephen Lavender, 40, Long-Acre, constable, belonging to the Public Office in Bow-st.
George Lidyard, Angel-court, Skinner-street, hair-dresser.
Geo. Lewis, Pump-court, Bell-alley, Golden-lane, hackney-coachman, out of employ.
John Limbrick, Church-row, St. Pancras, constable to the Hatton-Garden Office.
Henry Charles Litchfield, John-street, Bedford-row, barrister-at-law, and solicitor for the affairs of the Treasury.
Elijah Litchfield, abiding at the house of the said Henry Charles Litchfield, and clerk to the said solicitor.
Thomas Main, of the Tower of London, yeoman-warder.
Thomas Makins, Pleasant-row, Shoreditch, dyer.
John Malpass, 2, Falcon-ct, Shoe-l. cutler.
Samuel Mason, 14, Fitzroy-row, New-road, patrole belonging to Bow-street.
Henry Maudsley, Westminster-road, Lambeth, engineer.
Thomas Mayhew, Willstead-street, Somers' Town, shopkeeper, and patrole belonging to Bow-street.
George Mayne, iron factory, Westminster-road, smith.
Richard Robinson Merrett, Christopher-court, Tower-hill, accountant.
James Mickle, of the Wharf in the Tower of London, assistant clerk of the works in the Ordnance-Department.
Charles Miell, Tomes-court, Somers' Town, patrole of Bow-Street.
John Middleton, Skinner's Street, stationer.
Thomas Miles, Paragon-place, Walworth, yeoman-warder.
William Miller, 7, Rose-court, East Smithfield, mariner.
William Mills, Judd-street, Brunswick-square, gun maker.
Robert Moggridge, Skinner's Street, Somerstown, tailor, now a prisoner in Tothil-fields Bridewell.
John Moukhouse, Spa-fields, victualler.
Samuel Moore, abiding at Walter Cosser's, timber-merchant, Millbank-street, Westminster, clerk to the said Walter Cosser.
William Mortimer, a soldier in the second or Coldstream Foot Guards.
Moss Moses, Rosemary-l. clothes-salesman.
James Munro, Oakley-street, Lambeth, mathematical instrument-maker.
Charles Nailor, 28, Old Pye-street, Westminster, labourer.
Atlen Nelson, 6, King-street, Soho, tailor.
John Newton, Long Acre, victualler.
William Nichols, Paradise-row, Palmer's Village, patrole Bow-street.
William Onion, St. Luke's Head public-house, Church-lane, St. Martin, hackney-coach-waterman.
Thos. Osborn, plumber and glazier, 26, Moor-street, Edgeware-road.
William Osborn, labourer to John Britten, James-street, Lisson-green.

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John Cheshire, iron-foundry, opposite the Asylum, Westminster-road, smith.
Charles Pearce, Woburn-street, Drury-lane, servant to William Hurst, victualler.
John Pearks, Castle-street, Long Acre, constable to the public office in Bow-street.
John Robert Pitam, Mount-row, Lambeth, baker.
Rich. Platt, Peckford-place, Brixton-Wash, Surrey, hosier.
Thomas Potts, Minories, gun-maker.
John Powell, Princes-street, Ratcliffe-highway, yeoman.
Henry Baldwin Raven, Caroline-place, Little Chelsea, clerk to the solicitor for affairs of his Majesty's Treasury.
Robert Raynsford, Howland-street, esq. one of the Justices at the public office Hatton-garden.
Thomas Roe, Mason's Court, Goodman's fields, gun-maker.
Charlotte Reynolds, New Norfolk-street, Park-lane, victualler.
Joseph Rhodes, 17, Queen-st. Soho, painter.
John Richardson, Horsemonger-l. showman.
John Roberts, Skinner-street, apprentice to the before-named Wm Andrew Beckwith.
Thos Robertson, a soldier in the second or Coldstream regiment.
John Robinson, Slaughter-street, Spitalfields, victualler.
George Roberts, John-street, Commercial road, yeoman.
George Ruthven, Hollis-street, Clare-market, Bow-street officer.
Frederick William Retledge, Lucas-street, Commercial-road, custom-house agent.
Wm. Salmon, High Holborn, patrole belonging to Bow-street.
Henry Saxilby, Albion-street, Kent-road, yeoman-warder.
James Seabrook, Star-alley, Fenchurch-street, tailor.
Maria Seabrook, wife of the said Jas Seabrook.
Arthur Seal, Tottenham-court-road, printer.
Sir James Shaw, America-square, Bart. Alderman.
Charles Shearman, Black Bird-alley, Spicer-street, Mile-end New-town, weaver.
Charles Shearman, jun. of the same place, weaver.
John Sheffield, Crown-street, Bishopsgate, cooper.
Rob. Sheppard, London-street, Fitzroy-sq. physician.
Jas. Skinner, Suffolk-Mews, Middlesex-Hospital, shoemaker.
T. Smeed, Lisson-street, Mary-le-bone, victualler.
Barbara Smeed, wife of the said T. Smeed.
Jas. J. Smith, 37, Bow-street, patrole belonging to the office.
T. Smith, 30, Hyde-street, Bloomsbury, caneworker.
Frances Smith, wife of the said T. Smith.
W. Smith, 35, Bow-street, Covent-garden, one of the patrole.
W. Smith, Pleasant-row, William-street, Shoreditch, shoemaker.
J. Spicer, 1, Bates-row, Limon-green, plasterer.
T. Stacy, whitesmith, at the house of Mr. Graves, in Queen-street, Camden-town.
John Stafford, Bow-street, chief clerk of the Public Office.
R. Statham, soldier in the 2d or Coldstream Reg. Guards.
R. Stephens, turnkey, Giltspur-st. Compter.
Thomas Storer, Fetter-lane, printer.
Jos. Street, at the Duke of York public-house, in John-street, North New-road, labourer.
Griffin Swanson, West-street, Somers-town, clerk to the Solicitor for the affairs of his Majesty's Treasury.
Samuel Hercules Taunton, Duke-street, Lincoln's-Inn-fields, constable belonging to Bow-street.
Ann Taylor, 113, Houndsditch, single woman.
Thomas Taylor, Houndsditch, whitesmith.
James Thompson, 30, Clement's Lane, bill-sticker.
Joseph Thompson, Fetter-lane, victualler.
Wm. Thompson, same place, son of the said J. Thompson.
Samuel Thompson, Holborn-hill, victualler.
David Tulip, Red Lion-court, Drury-lane, bill-sticker.
Wm. Tull, Old Mint, clerk in the Ordnance Department.
Thomas Turner, Catharine-street, Strand, printer.
William Underwood, Manor-place, Walworth, yeoman.
John Vickery, St. John Street, Clerkenwell, constable belonging to Bow-street.
Jas. Robert St. John Walsh, Queen-street, in Milton-next-Gravesend, inspector of aliens.
William Ware, Orchard-street, Westminster, whitesmith.
William Warren, Black Lion Tavern, Water-lane, waiter.
Robert Watson, 19, Hyde-street, Bloomsbury, gold-lapper.
John Weeks, Belvidere-place, King's Bench, broom-maker.
Wm. West, Wych-street, St. Clement Danes, wire-worker.
Henry Wheatley, Horseferry-road, Westminster, victualler.
Mary Wheatley, daughter of the said Henry Wheatley.
Edward White, Swan-yard, Bishopsgate-street, coachmaster.
Wm. Bailey White, Newcastle-street, Strand, linen-draper.
Henry Whitfield, Grange-court, Carey-street, clerk in the Stamp-Office.
W. Winkfield, Long Acre, victualler.

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George Wiggins, Holborn-place, Holborn-bridge, copper-plate-printer.
John Wilson, a Soldier in the First regiment of Life Guards, in Knightsbridge Barracks.
Fred. Windemade, Horseferry-road, Westminster, cow-keeper.
Henry Windus, Brunswick-place, Ball's Pond Road, wine-merchant.
George Haslewood Worrall, Giltspur-street, tobacconist
Matth. Wood, of the Mansion-House, in the city of London, Esq. hop-merchant, and Lord Mayor of the said city
Thos. Wood, Elizabeth-place, Ball's Pond Road, gentleman.
Edward Wright, Drury-lane, pin-maker.
John Wright, East Smithfield, victualler.
Ann Wright, wife of the said J. Wright.
Thomas Yates, Camden-town, warder of the Tower.
Thomas John Yeomans, Horseferry-road, Westminster, servant of the before-named F. Windemade.
John Youres, Brewer-street, Westminster, King's messenger.

Court of King's Bench.

Saturday, May 17, 1817.

The prisoners were this morning brought from the Tower, for the purpose of being arraigned on the Bill of Indictment, found against them by the Grand Jury.

On Friday, the 16th, a regular notice was delivered to each prisoner of his intended removal—a copy of the Indictment, together with lists of the Jury and of the Witnesses subpœned on their trial, having been previously furnished them. Notice was also given to Sir Nathaniel Conant of the proceeding, and that gentleman went to the Tower to make the necessary arrangements for the safe conveyance of the prisoners. In order to prevent an assemblage of idle spectators, the subject was not publicly mentioned.

A writ of Habeas Corpus, calling upon the Governor of the Tower, or his deputy, to bring the bodies of the prisoners to His Majesty's Court of King's Bench was delivered by the proper officer to Major Elrington, the Deputy Governor of the Tower; and every thing being in readiness at nine o'clock, Watson, the elder, was brought down from his apartment and delivered by the Deputy Governor to the care of two yeomen, and Vickery and Nicholls, two Bow-street officers. They all took their places in a hackney-coach, and were immediately driven off. Hooper, after a short interval, was in like manner delivered to two yeomen, and Perry and Smith, two other peace officers. Preston was attended by two yeomen, and Adkins and Salmon, and Thistlewood by two yeomen, and Wm. Smith and Stephen Lavender; each prisoner was put into a separate hackney-coach. They set off shortly after each other, and the coaches shaping their course over London-bridge, proceeded through the Borough, by that road to Westminster-bridge, and thence to the door of the Grand Jury-room, in Palace-yard, where they alighted. They were not suffered to have any personal intercourse with each other.

At half-past ten, the Judges having taken their seats on the bench, the Attorney-General addressed the Court as follows:—"My Lords, there are four persons, Arthur Thistlewood, James Watson the elder, Thomas Preston, and John Hooper, in attendance, to be brought before your Lordships under a Habeas Corpus, which has been moved to bring them up."

Directions were then given to bring the prisoners into Court. In a few minutes they entered. Hooper came first, and was followed by Thistlewood, Watson, and Preston. They were attended by yeomen, who stood on each side of them attired in their proper costume, wearing their hats.—The prisoners seemed much pleased at the opportunity of an interview. Watson and Hooper cordially shook hands with each other, and Preston shook hands with Watson, who was next him, and bowed waving his hand to the other two.—Watson was genteely dressed in black, and wore an eye-glass,—he appeared pale.—Thistlewood had on a sailor's jacket

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and trowsers, a light waistcoat, and a red neckerchief.—Preston had on a greyish brown coloured coat and a buff waistcoat, and appeared perfectly unconcerned during the whole proceedings.—Hooper was dressed in a grey great coat, claret coloured body coat, with metal buttons, and a black waistcoat;—they all looked well, and seemed to have experienced no ill effects, in point of bodily health, from their imprisonment.

The prisoners having been placed at the bar of the Court the Attorney-General moved that the Return of the Marquis of Hastings, the Governor of the Tower, might be read.

Mr. Dealtry, the clerk of the Crown immediately read the return, which contained copies of the warrants of the Privy Council, upon which the prisoners were delivered to his safe custody.

The Attorney General.—"I move that this return be filed.

Lord Ellenborough.—"Be it so."

Lord Ellenborough then addressed the prisoners as follows:—"Prisoners (repeating their names) would all or any of you wish or desire to have Counsel assigned to you? Thistlewood, would you?"—*Prisoner Thistlewood.* "Certainly, my Lord."

Lord Ellenborough. "Would you name him now, or would you wish to have until Monday or Tuesday to name him?"—*Thistlewood.* "My Lord, I have not made up my mind yet."

Lord Ellenborough. "Very well. James Watson, the elder, would you wish to have Counsel assigned to you?"—*Watson.* "My Lord, I certainly wish for Counsel; but I have not made up my mind at present."

Lord Ellenborough. "Thomas Preston, will you have Counsel assigned to you now, or will you have time to consider of it?"—*Preston.* "The gentlemen who have preceded me, my Lord, have expressed my sentiments on the subject."

Lord Ellenborough. "Very well. Richard Hooper, will you have Counsel assigned now." *Hooper.*—"I wish for Counsel, my Lord, but I have not decided yet whom to have. If not improper, I should wish to have the liberty of considering for a few days."

Lord Ellenborough. "Then the Court is to understand that you all wish to have Counsel assigned, but you have not yet decided who?"

Prisoners. "Yes."

Watson. "If it will not be considered improper, I should wish to ask a question. If counsel should be assigned us by the Court, I wish to know whether we shall be allowed to speak in our defence, as well as our Counsel?"

After their Lordships had consulted for some time, the prisoner was answered as follows:—

Lord Ellenborough. "You will not be restrained from addressing any thing to the Court and Jury that you think of importance for your defence; and you may intimate to the Court, hereafter, or to any single Judge at Chambers, who the Counsel may be that you prefer."

Watson. "Am I to understand your Lordship, that if my Counsel goes into any discussion on the evidence, I shall still have the privilege of addressing the Jury?"

Lord Ellenborough. "We cannot enter into any discussion of this subject now.—You will not be restrained from saying any thing that shall be expedient and necessary for your defence."

The Attorney-General. "I move that the prisoners be arraigned upon the offences alleged against them."

Mr. Dealtry now proceeded to read the Indictment as follows.—

THE INDICTMENT.

FIRST COUNT

Is for *compassing and imagining to put the King to death.* After giving the names and descriptions of the persons charged, and the usual tech-

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nical introduction, it proceeds to state, that on the first day of November last, and on divers other days and times before and after, at the parish of St. James, Clerkenwell, these persons, together with others unknown, "did compass, imagine, and intend to move and excite insurrection, rebellion, and war, against the king, within the kingdom; and to subvert and alter the legislature, rule, and government, now duly and happily established within the kingdom; and to bring and put our said Lord the King to death." After this general averment of the traitorous intention, the indictment goes on to specify fourteen different overt acts, as indicative of that intention.

1. The first is as follows: "To fulfil, perfect, and bring to effect, their most evil and wicked treason, and treasonable compassing and imagination aforesaid, they the said, &c. (naming them all) as such false traitors as aforesaid, on the said 1st day of November, in the 57th year of the reign aforesaid, and on divers other days and times, as well before as after, with force and arms, at the said parish of St. James, Clerkenwell, in the said county of Middlesex, maliciously and traitorously did assemble, meet, conspire, and consult among themselves, and together with divers other false traitors, whose names are to the jurors unknown, to devise, arrange, and mature plans and means to subvert the Constitution and Government of this realm, as by law established; and to deprive and depose our said Lord the King, of and from the style, honour, and kingly name of the Imperial Crown of this realm.

2. (And farther to fulfil, &c. &c. as before,) the said traitors, &c. on, &c. aforesaid, at, &c. aforesaid, maliciously and traitorously did assemble, meet, conspire, consult, &c. to stir up, raise, make, and levy, insurrection, rebellion, and war, against our said lord the king, within this realm, and to subvert and destroy the constitution and government of this realm, as by law established.

3. (And farther to fulfil, &c. as before) the said traitors, &c. &c. did assemble, meet, conspire, consult, and agree, (&c. as before) to attack and seize upon the Bank of England, and the King's Tower of London, and to seize and take possession of divers ordnance, weapons, arms, and ammunition, to arm themselves and other false traitors; and to attack, fight with, kill, and destroy, the soldiers, troops, and forces of our said lord the king, and other his liege and faithful subjects, and to raise, levy, and make, insurrection, rebellion, and war, against our said lord the king, within this realm, and to subvert and destroy the government and constitution of this realm, as by law established.

4. (And farther to fulfil, &c.) the said traitors, &c. &c. did conspire, consult, agree, attempt, and endeavour, to seduce divers soldiers serving in the land forces of our said lord the king, and also divers other liege subjects of the king, from their duty and allegiance to the king, and to move, persuade, and procure, the same, and other soldiers and subjects of the king, to associate and join themselves with, and be aiding and assisting to them, the said prisoners, and divers other false traitors, in a wicked and traitorous attempt, by them, the said prisoners, to be made to subvert and destroy the government and constitution of the realm, as by law established.

5. And farther to fulfil, &c.) they the said traitors, &c. &c. did give orders to a certain person, to wit, one Isaac Bentley, to manufacture and provide divers, to wit, 250 iron pike-heads; and did purchase and receive of and from the said last-mentioned person, the said iron pike-heads, with intent therewith to form pikes, and with such pikes to arm themselves and divers other false

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traitors, in order to attack, fight with, kill, and destroy, the soldiers, troops, and forces, of the king, and other his liege and faithful subjects, and to raise, make, and levy, insurrection, rebellion, and war, against the king, within this realm; and to subvert and destroy the constitution and government of this realm, as by law established.

6. (And farther to fulfil, &c.) they the said traitors, &c. &c. did purchase, procure, provide, and have divers large quantities of arms, to wit, swords and pistols, and divers large quantities of ammunition, to wit, gunpowder, leaden bullets, and slugs; and also divers flags, banners, and ensigns; with intent therewith to arm and array themselves, and divers other false traitors, in order to attack, fight with, kill, and destroy, the soldiers, troops, and forces, of the King, and other his liege and faithful subjects; and to raise, make, and levy, insurrection, rebellion, and war, against the King, within this realm; and to subvert and destroy the constitution and government of this realm, as by law established.

7. (And farther to fulfil, &c.) they the said traitors, &c. did conspire and agree amongst themselves, and together with divers other false traitors unknown, to set fire to, burn, and destroy, divers barracks of the king, used for the reception and residence of the soldiers, troops, and forces, of the king, in this realm, and to provide and prepare combustibles and materials, to wit, tar, pitch, sulphur, resin, spirits of wine, tallow, and turpentine, for the purpose of setting fire to, burning, and destroying the said barracks.

8. (And farther to fulfil, &c.) they the said traitors, &c. maliciously and traitorously did make a proposal to, and treaty with, and cause and procure a proposal and treaty to be made, and had, to and with a certain person, to wit, one Walter Cosser, concerning and for the hire of a certain house, and did then and there, by such proposal and treaty, endeavour to obtain and hire the said house, for the purpose of depositing and keeping the said combustibles before-mentioned, with intent to use the same in and for the setting fire to, burning, and destroying of certain barracks of the king, as aforesaid.

9. (And farther to fulfil, &c.) they the said traitors, &c. did conspire to procure and did, by advertisements in the public newspapers, and by placards and handbills, and by divers other ways and means, invite divers and very large numbers of the liege subjects of the king to assemble and meet together on divers days and times, in a certain place commonly called Spafields, with intent that divers of them, the said prisoners, and other false traitors, might make and utter, in the presence and hearing of the subjects of the king, to be so there assembled, seditious, inflammatory, and treasonable, speeches and harangues, and thereby move, excite, cause, and procure, the said subjects to raise, make and levy, insurrection, rebellion, and war, against the king, within this realm.

10. (And farther to fulfil, &c.) they the said traitors, &c. did make applications and proposals to, and treat with, and cause and procure applications, proposals, and treaties to be made and had to and with divers persons, to wit, one William Duke, one John Richardson, and one Frederick Windermude, concerning, and for the hire of certain waggons, stages, platforms, and other machines,

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Trials for High Treason!!

FAIRBURN'S EDITION.

No. 3.

Conclusion of the Indictment — Prisoners' Apartments in the Tower — Watson's Letter to Lord Sidmouth —The Trial.

INDICTMENT CONTINUED.

to be conveyed to the aforesaid place, commonly called Spafields, and there to be used for the purpose that divers of them, (the said prisoners,) and other false traitors, should thereupon, and therefrom, make and utter seditious, inflammatory, and treasonable speeches and harangues, to divers subjects of the king, then to be assembled, in order thereby to move, excite, cause, and procure, the same subjects to raise, make, and levy insurrection and war against the king.

11. (And farther to fulfil, &c.) they, the said traitors, &c. did treat for hire, and engage a certain waggon, and drivers, to wit, two horses; and afterwards, on the 2d of December, did provide, and cause to be placed in the same waggon, divers large quantities of ammunition, to wit, gunpowder, shot, leaden bullets, and slugs, and divers flags, banners, and ensigns; and did cause the same waggon, with the said ammunition, and the said flags, banners, and ensigns, to be drawn to the aforesaid place, called Spafields, and did provide divers ribands and cockades, and did ascend and get into the same waggon, and did exhibit and display to great numbers, to wit, five thousand, and more, of the subjects of the king there then being, the said banners, ribands, and cockades; and the said James Watson, the elder, and the said James Watson, the younger, with force and arms, maliciously and traitorously did then and there, respectively, make, and with loud voices utter to and in the presence and hearing of the said subjects of the king, so then there being, seditious, inflammatory, and treasonable speeches and harangues; and the said James Watson, the younger, with force and arms, maliciously and traitorously did then and there seize and take into his hands one of the said flags, and did call upon and invite the said subjects of our Lord the King, so then there being, to follow him the said James Watson, the younger; they, the said prisoners, (all of them) then and there meaning and intending, by means of the several premises aforesaid, to move, excite, cause, and procure, the said subjects of the king, so there then being, to raise, make, and levy insurrection, rebellion, and war against the king within this realm, and to subvert and destroy the Constitution and Government of this realm, as by law established.

12. (And farther to fulfil, &c.) they, the said traitors, &c. on the 2d of December aforesaid, at the place aforesaid, &c. with one thousand and more unknown subjects of the king, then and there assembled, with flags, banners, and ensigns, ribands and cockades, and also with divers offensive weapons, to wit, swords, guns, pistols, sticks, and staves, did parade and march with great noise and violence through divers public streets and highways, and in the said public

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streets and highways did brandish and exhibit the said swords, and other offensive weapons, and fire off and discharge the said guns and pistols, and did attack and beset the houses and shops of divers gunsmiths and dealers in arms, and did seize and take divers large quantities of arms, to wit, swords, guns, and pistols, with intent, by and with the said last-mentioned arms, further to arm themselves and other false traitors, in order to attack, fight with, kill, and destroy the soldiers, troops, and forces of the king, and other his liege and faithful subjects, and to raise, make, and levy insurrection, rebellion, and war against the king, within this realm, and thereby to subvert and destroy the constitution and government of this realm, as by law established.

13. (And farther to fulfil, &c.) they, the said traitors, &c. on the day last-mentioned, &c. with force and arms, &c. did proceed, with divers other false traitors unknown, to the king's Tower of London, and did with loud voice address certain soldiers serving in the land forces of our lord the king, then being stationed in the said tower, and did invite and endeavour to seduce the same soldiers to open the gates of the said tower, and to admit divers of the said false traitors into the said tower, in order that the said last-mentioned false traitors might enter into the said tower, and take possession thereof, and of the ordnance, stores, arms, and ammunition, therein deposited, and to associate and join themselves, the said soldiers, with, and be aiding and assisting to them, the said prisoners, in a wicked and traitorous attempt to subvert and destroy the government and constitution of this realm, as by law established.

14. (And farther to fulfil, &c.) they, the said traitors, &c. on the day last-mentioned, &c. together with a great multitude of false traitors unknown, to the amount of one thousand and more, armed and arrayed in a warlike manner, that is to say, with flags, banners, ensigns, swords, pistols, clubs, bludgeons, and other weapons, maliciously and traitorously did ordain, prepare, levy, and make public war against our said king, within this realm, in contempt of the king and his laws, to the evil example of all others, contrary to the duty and the allegiance of them, the said prisoners, against the form of the statue in such case made and provided, and against the peace of our lord the king, his crown and dignity.

SECOND COUNT.

This count is for *compassing* and *imagining* to *depose the king*, or, as it is more fully expressed in the language of the indictment, "for maliciously and traitorously compassing, imagining, inventing, devising, and intending to deprive and depose our lord the king, of and from the style, honour, and kingly name of the Imperial Crown of this Realm;" and the said compassing, imagination, invention, device, and intention, is said to have been expressed, uttered, and declared, by divers overt acts and deeds in the said count after-mentioned. The fourteen overt acts described in the first count are then repeated in the same words, without the slightest variation.

THIRD COUNT.

This count is short and comprehensive, for it embraces many of the facts scattered through the other counts, compressed into one substantive form: the charge thus briefly and comprehensively expressed is called *levying war*. This count being short, we shall give entire:—

The jurors aforesaid, upon their oath aforesaid, do farther present, that the said Arthur Thistlewood, James Watson, the elder, James Watson, the younger, Thomas Preston, and John Hooper, being subjects of our said lord the king, not having the fear of God in their hearts, nor weighing the duty of their allegiance,

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but being moved and seduced by the instigation of the devil, as false traitors against our said lord the king, and wholly withdrawing the love, obedience, fidelity, and allegiance, which every true and faithful subject of our said lord the king shou d, and of right ought to bear towards our said lord the king, on the said 2d day of December, in the 57th year of the reign aforesaid, with force and arms, at the said parish of St. James's, Clerkenwell, in the said county of Middlesex, together with a great multitude of false traitors, whose names are to the said jurors unknown, to the number of five thousand and more, arrayed and armed in a warlike manner, that is to say, with flags, banners, and ensigns, swords, pistols, clubs, bludgeons, and other weapons, being then and there unlawfully, maliciously, and traitorously assembled and gathered together against our said lord the king, most wickedly, maliciously, and traitorously did levy and make war against our said lord the king; and being so assembled together, arrayed, and armed against our said lord the king as aforesaid, did then and there, with great force and violence, parade and march in an hostile manner through divers public streets and highways, and did then and there maliciously and traitorously attempt and endeavour, by force and arms, to subvert and destroy the Government and Constitution of this realm, as by law established; and to deprive and depose our said lord the king of and from the style, honour, and kingly name of the imperial crown of this realm; in contempt of our said lord the king and his laws, to the evil example of all others, contrary to the duty of the allegiance of them, the said Arthur Thistlewood, James Watson, the elder, James Watson, the younger, Thomas Preston, and John Hooper, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity.

FOURTH COUNT.

This count is for conspiring to *levy war against the king, in order to compel him to change his measures*, that is, in the technical language, "for compassing, imagining, inventing, devising, and intending to levy war against our said lord the king within this realm, in order, by force and constraint, to compel him to change his measures and counsels;" and the said compassing, imagination, invention, device, and intention, is described as having been expressed, uttered, and declared, by divers overt acts and deeds in the said count mentioned. The statements of the acts then follow, precisely in the words of the 1st and 2d counts, and the indictment ends with the usual conclusion of "against the form of the statute, and the peace of the King, his crown, and dignity."

During the reading of the indictment, which occupied nearly an hour and a half, the prisoners Thistlewood and Watson were in deep conversation, and some notes passed between the latter and Mr. Harmer, their solicitor, who was in Court.

At the conclusion of the reading of the indictment each prisoner, (beginning with Thistlewood, and ending with Hooper,) was called by name, and asked "if they were guilty of the premises charged in the indictment, or not guilty."

They all answered "Not Guilty."

Mr. Dealtry. "How will you be tried?" *Prisoners.* "By God and our country."

Mr. Dealtry. God send you a good deliverance."

Mr. Dealtry now addressed the prisoners, and asked them all separately, if they had received copies of the bill of indictment and lists of the Jury and Witnesses.

The prisoners answered in the affirmative.

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The Attorney-General. "I am now to move your Lordships to appoint a day for the trial of the prisoners. Any day which is most convenient for your Lordships in the early part of next term."

Lord Ellenborough. "The prisoners will understand that they may apply, through the medium of their solicitor, to any Judge at Chambers to name the Counsel they wish to have; and, Mr. Attorney-General, it has occurred to the Court, that Monday, the 9th of June, will probably be a convenient day for the trial. The Court, therefore, appoint that day at nine o'clock in the morning."

The Attorney-General. "My Lord, I have now to move, that the prisoners be remanded to the Tower."

Lord Ellenborough. "Let them be remanded."

The prisoners were then conducted out of Court, and separately conveyed back to the Tower. During the whole proceedings they conducted themselves with the greatest propriety and decorum.

APARTMENTS OF THE TOWER

In which the prisoners are confined.

Dr. Watson is kept in the celebrated bloody tower, and inhabits the very room in which the infant king and his brother the Duke of York were supposed to have been smothered by the order of Richard the Third. This is over the gate leading to that spot where Anna Boleyn was beheaded, and is near the hill on which Lady Jane Grey met the headless trunk of her husband, when she herself was on her way to the fatal spot to be beheaded. On the top of the tower the doctor frequently walks to enjoy the fresh air. From the roof there is a very fine prospect of all the shipping in the Thames, and the view is checked by the Surry-hills. He reads and writes a good deal. *Thistlewood* and *Preston* are separately confined in that turret, over the grand entrance from Thames-street, where Despard and Lord Ferrers were once lodged. *Hooper* is confined at the opposite end of the fortress. Their habits in living are restricted to plain but wholesome food, and their beverages are porter and tea.

On Monday, May 19th, *Dr. Watson*, on behalf of himself and the other Defendants, addressed the following letter to Lord Sidmouth:—

"*To Viscount Lord Sidmouth.*

Tower, May 19, 1817.

"My Lord—I am desirous to inform your Lordship, that I shall have occasion to subpœna several witnesses to be in readiness to be called upon as evidences on my trial; but not having the pecuniary means to defray the expenses consequent upon their attendance, and of bringing up three or four a considerable distance from London, I beseech your Lordship will lay the same before the Honourable the Privy Council, that they may take the same into their consideration, and graciously be pleased to afford me such relief as is consonant with the true spirit of justice, and the liberality of the British Government. I beg your Lordship will also lay before the Honourable the Privy Council my total inability to defray the expense attending retaining Counsel and paying my Solicitor's charges; that they may also take this graciously into their consideration for the same purpose; but I could wish your Lordship will condescend to inform the Honourable the Privy Council, I do not intend to place myself in the extremity of pleading in *forma pauperis*, and I hope they will not wish to reduce me to that condition.

"I beg leave farther to trespass upon your Lordship to inform your Lordship that my fellow-prisoners expressed their desire to me in Court, on Saturday, that I would ask of the Honourable the Privy Council that we may, for our own preservation,

be permitted to hold an occasional confidential communication, now that we have been arraigned, and evidence collected against us—the propriety of this privilege I fear will not meet the concurrence of the Honourable the Privy Council, but, having passed my word to make the request, I must leave it for the Honourable the Privy Council to determine; under the impression that all the indulgence will be granted that the nature of our cause will admit.

"I am, &c.

"JAMES WATSON."

The next day Mr. J. H. Addington sent a letter to the Deputy Lieutenant of the Tower, directing him to acquaint Mr. Watson, that Lord Sidmouth, had communicated his request to the Privy Council, who were of opinion, "that they would not be justified in advising a grant of pecuniary assistance to persons charged with crimes against the State, to enable them to provide for their defence, except recommending, that they should be furnished with subpœnas for their witnesses: and that, as to the wish expressed by J. Watson, on his own behalf, and that of his fellow-prisoners, to have private confidential communication with each other, it could not be complied with."

The prisoners have not been allowed to hold any intercourse together since their confinement, except through the medium of their Solicitor; and, up to a late hour of Sunday, the 8th, were in excellent spirits, anticipating an honourable acquittal.

THE TRIAL, &c.

COUNSEL FOR THE PRISONERS.

For James Watson, the Elder, and Arthur Thistlewood,

Mr. C. WETHERALL,
Mr. SERJEANT COPLEY.

For Thomas Preston,

Mr. EDWARD LAWES,
Mr. RIGBY.

For John Hooper,

Mr. HOLT,
Mr. STARKEY.

Court of King's Bench, Westminster, Monday, June 9, 1817.

Soon after seven o'clock Sir Nathaniel Conant arrived at the Tower, having been preceded by several Bow-street officers.

At eight o'clock the prisoners were brought down from their rooms, and placed in hackney-coaches, attended by yeomen. Every thing being in readiness, the coaches were driven off under a strong escort of horse guards; taking the course over London-bridge, and by the Westminster-road to Palace-yard. On their arrival at the door of the Grand Jury-room, the horse-guards cleared away the crowd which was assembled, and the prisoners alighted, and were immediately conducted through the vaulted passages to the court. They were preceded and followed by the yeomen of the guards. Watson first entered the court at 20 minutes before nine, he was followed by Preston, Hooper, and, lastly, by Thistlewood.

On taking their seats without the bar, the yeomen took their stations in a row behind them, and on each side of them. The deputy warden of the Tower sat on the left of Watson. The time previous to the arrival of the judges the prisoners occupied in close conversation. Watson was genteelly dressed in black and wore powder. Under his arm he carried a large bundle of papers. Preston and Hooper were, also, dressed in black. Thistlewood wore a blue jacket, black silk waistcoat, black small-clothes, and a coloured neckerchief. A few minutes after nine o'clock the judges entered the court, and were immediately followed by the Attorney and Solicitor General,

Mr. Gurney, Mr. Topping, Mr. Raine, and Mr. Harrison. Previous to this the prisoners' counsel took their places. The two sheriffs and Mr. Beckett were present. Sir J. Shaw sat on the bench with the judges.

Mr. Serjeant Copley immediately addressed the court, and said that the front row of the barristers' benches were so occupied as to prevent the counsel for the prisoners from receiving that accommodation which was necessary for them to discharge their duty to their clients.

Lord Ellenborough.—What would you wish?

Mr. Serjeant Copley.—My Lord, if the yeomen, who sit on each side of the prisoners, will sit in the next row, that will answer the purpose.

Lord Ellenborough.—You may make any arrangement satisfactory to yourself.

The *Attorney-General.* — "My lords, it is intimated to me by my learned Friend, Mr. Wetherall, who is of counsel for some of the prisoners, that they intend to sever their challenges. In consequence of this, I beg to state, on the part of the crown, that they shall be tried separately—and the first prisoner I wish to place on his trial is Mr. James Watson, the elder. It may be important, that, during his trial, the other prisoners should remain in court, to be seen;—your lordship will, perhaps, suffer them to sit in the second row; and this will afford the accommodation desired by Mr. Serjeant Copley.

Lord Ellenborough.—Be it so—Mr. Serjeant Copley, this will, perhaps, meet your wishes.

Mr. Serjeant Copley.— Perfectly, my Lord.

Thistlewood, Hooper, and Preston, then drew back, leaving Watson alone in the front seat, with one yeoman and the deputy-warder of the Tower by his side.

Mr. Harris, the Cryer of the Court, then made proclamation as follows:—

"You good men of the county of Middlesex, summoned here this day to try the cause between our sovereign lord the king and James Watson, the elder, the prisoner at the bar, answer to your names."

Mr. Barlow then proceeded to call over the names of the jury summoned. Some of them did not answer; and others, on application to the court, and on the production of certificates, supported by affidavits, were excused on the ground of indisposition. Other excuses were not held sufficient. The court directed that all the jurymen who did not answer to their names, or assign a lawful excuse for their absence, should be fined £20.—This proceeding occupied the Court till half-past ten.

It was then announced to Mr. Watson that the Jury was going to be called, and that he was at liberty to challenge them as they came to the book to be sworn. The Jury was then called, and the following *challenges* were made

By the *Solicitor-General*, for the Crown.

Robert Durham, of Mill-street, Conduit-street, carpenter.
Thomas Boots, sen. of Leicester-square, grocer.
Thomas Hackerel, of Goswell-street, builder.
Daniel Gardner, of Chiswell-street, hatter.
Samuel Fish, of St. John-street, tobacconist.
William Philpot, of Holborn, linen-draper.
John Dixon, of Hatton-garden, baker.
Joel Edwards, of Greville-street, Hatton-garden, tailor.
Christopher Scott, of Brownlow-street, tailor.
James William Brooks, of the Strand, glass-merchant.
Robert Horsman Solly, of Lincoln's-Inn, gent.
Samuel Roomer, of Red Lion-street, appraiser.
Samuel Roberts, gent.
Charles Baxter, of Red-Lion-Passage, Red-Lion-street.
John Pitard, gent.
John Edger, of Christ Church, weaver.
Evan Jones, gent.
Robert Conyers, of Holywell-street, Shoreditch, ironmonger, dealer in marine stores.
Thomas Stitterton, gent.

By *Mr. Wetherall*, on the part of the Prisoner.

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John Turner, of New Bond-street, jeweller.
Charles Ady, of Goswell-street, water-gilder.
George Allen, of Bernard-street, St. Luke's, brass-founder.
John Lane, of Thornhaugh-street, Bedford-square.
James Frazer, of Wapping-street, biscuit-baker.
Arthur French, of Wapping-street, ironmonger.
Daniel Pepperill, of Great Turnstile, tailor.
John Rabbeth, of Red Lion-street, Holborn.
William Baylis, of Red Lion-street, Holborn, tinman.
George Mellis, of Gray's Inn-lane, grocer.
Thomas Cordell, of Leather-lane, Holborn, gent.
George Woodward, of Leather-lane, Holborn.
John Christmas, of Upper Thornhaugh-street, painter.
Samuel Baker, of Tottenham-court-road, pork-butcher.
John Parker, of the Strand, woollen-draper.
William Rob. Burgess, of the Strand, oilman.
Samuel Page, of Doughty-street, gent.
John Thompson, of Newman-street, Oxford-street, auctioneer.
John Heath, of Queen-square, merchant.
John Best, of Devonshire-street, coal-merchant.
George Booth, of Devonshire-street, surveyor.
Samuel Powell, of Red Lion-street, Esq.
Henry Jackson, of Red Lion-passage, boot and shoe-maker.

The following persons entered the jury-box, and were sworn:

Thomas Mitchelson, of Green-street, Grosvenor-square, surveyor; Thomas Allman, of Princes-street, Conduit-street, bookseller. On these two being sworn,

Lord Ellenborough observed, that no question had been asked of either of these gentlemen as to whether they were freeholders or not. It was usual to ask the question; but he supposed both parties were satisfied on this point.

The Counsel on both sides bowed assent, and the officer proceeded to call the remainder of the jury, to most of whom, the question, whether they were freeholders of the value of £10 per annum in the County of Middlesex or not, was put, either by the counsel for the prisoners or the crown. Many answered that they were not freeholders to this amount, and were rejected. At length, the remaining ten to complete the jury were sworn. They are as follow:—

Robt. Norton, Picket-street, Temple-bar, button-maker.
Peter Richardson, Lottery-office-keeper, Charing-cross.
John Briant, of Wapping-street, anchor-smith.
John Tomlinson, of Bedfordbury, woollen-draper.
John Doyle, of Holborn, fan-light-manufacturer.
Samuel Kell, Red Lion-street, carpenter and undertaker.
Richard Ramsden, Brook-street, Holborn, capillaire-maker.
Wm Phillips, of Holborn, ironmonger.
Thomas Wilkes Barker, of Greville-street, Hatton-garden, silversmith.
Abraham Walker, Strand, mercer.

Mr. Mitchelson, first sworn; and Mr. Allman and Mr. Doyle, subsequently sworn, now declared that they were not freeholders: they had not been asked the question.

Lord Ellenborough.—It is expressly provided, by the 1st of William and Mary, that jurymen, in cases of high treason, must be freeholder of £10 a year.

The three gentlemen in question were withdrawn, and the following gentlemen substituted in their room.

Richard Perkins, Red Lion-street, shoemaker.
William Hackblock, Holywell-street, Shoreditch, carrier.
Samuel Knight, High-street, Norton-Falgate, druggist.

The whole of the jury being sworn, Mr. Barlow, the Clerk of the Crown Office, proceeded to read the indictment, for which, see page 28.

The Attorney-General then rose and spoke as follows:

Gentlemen of the Jury.—You are assembled in that box to perform one of the most important functions that can devolve to men in a state of society. You are assembled to decide upon the guilt or innocence of one of your fellow-subjects, who stands charged with the crime of high treason—the highest crime that can be committed by man against the society, of which he forms a part; for it strikes at the root of all society—

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effects a total disorganization of its principles—and breaks up all the comforts and blessings that wait upon man, under the administration of the law. Upon the one hand, gentlemen, you must be desirous to protect the constitution under which you live against any treasonable attempts. You will act upon the principle inseparable from freedom by which this nation is protected, and stand forward to assert and prove your title to the character which it supports. And on the other hand, you will consider before you come to a conclusion, that guilt has been established,—you will take care that the charge is made out upon strong, probable, and convincing evidence. I think, gentlemen, that when I have stated and proved the case which I have to offer to your consideration, there can no question arise as to the verdict you will deliver; there will appear no doubt as to the guilt of the prisoner, not only as regards the first, second, third, and fourth counts in the indictment collectively, but as regards them separately and distinctly. There are four charges. The first attributes to the prisoner the compassing and imagining the death of our sovereign lord the king. The second attributes to him the crime of compassing and imagining the deposition of the king. The third, that of levying war, with the above-mentioned objects. And the fourth, that of levying war for the purpose of inducing the king to change the measures of government and the principles of the constitution. The first and third counts are founded upon a statute of Edward III. which states the nature and description of the acts which amount to high treason;—the second and fourth counts are treated and founded upon the 36th of his present majesty, chap. 7th, which, although in some respects it differs from that of Edward III. does not vary upon any material point, and may be said to be in substance the same. The statute of Edward III. to which I allude, says, in chap. v. sec. 2, "When a man compasses and imagines the death of our sovereign lord the king, or levies war against the king in his realm." (Here one of the counsel for the prisoner said, "*provably*—") I read the section from the English translation. It is not my intention to deny the use of any phrase where its adoption can serve a prisoner. If the proof does not exist, then there can be no dispute as to the conduct to be adopted. I say, it is proved that the person charged commits overt acts provably with the object of effecting the death of the king, there can be no dispute as to the criminality. Compassing does not mean, in its ordinary application, effecting an object. It means the intention to effect, and that by overt acts and endeavouring to carry the means resorted to into execution; that levying war is an overt act to compass the death of the King none can deny; for whether the person who levies war has in contemplation the actual death of the King or not, if his purpose is to destroy the constitution, he is guilty of compassing and imagining the death of the king. Although he should not mean the actual death of the king, still the act he commits is treason against the majesty of the king; and if his object is to destroy the constitution, and he manifests that object by overt acts, those acts are so many evidences that the death of the king is meditated.—If men conspire and consult to levey war,

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Trials for High Treason ! !

FAIRBURN'S EDITION.

No. 4.

The Attorney-General's Speech continued.

their consipiring and consulting must be overt acts by which they intend that their plans should be carried into effect. Upon the first count, that of compassing and imagining the death of the king, the indictment states a great variety of overt acts, the proof of one of which would, accompanied as it is by circumstances which point out the object in the most unequivocal manner, be sufficient to establish the guilt of the prisoner. Standing alone, and wholly destitute of any support from other circumstances, it would be difficult to shew the object with which any particular act is performed, but here is a train of events which were intimately blended with the acts of which the prisoner stood accused; a constant series of operations and contrivances combined together in such a manner as to prevent the possibility of mistaking the end, and ascribing to them any other than the death of the king. I will state here the overt acts that are collected from the testimony I shall bye and bye call. They are those—consulting to depose the king,—conspiring to attack the Bank and Tower,—conspiring to seduce the soldiers and others from their allegiance,—providing pike-heads for hostile purposes,—conspiring to burn the barracks, with the view of preventing the military from resisting the nefarious efforts of traitors,—hiring a house for the purpose of preparing the combustibles by which the barracks were to have been burnt,—and conspiring to procure meetings at Spa-fields. I will here take the opportunity of making a few comments upon this last accusation. I consider the plan that procured the meetings, of which I have spoken, and which have made so deep an impression upon the minds of the people, as deserving the character of overt acts of treason upon this ground. Those who conspired to procure them, did so from an object very different from that which they professed. It was not their intention to seek the consent of those whom they assembled together for the purpose of doing what was the right of Englishmen to do. It was not their object to exercise the right of petitioning Parliament for the redress of grievances, of applying to that constitutional mode which formed one of the leading features in the superiority of the government of this country. Their object was to get the passions of the people upon their side; to turn those passions into the instruments of their execrable operations, and upon the pretext of petitioning, to change their dupes into a multitude armed against the authority of the King and conducted to levy war against him.—When acts are done expressly to answer the purpose I attribute to the prisoner, however indifferent they may be under other circumstances, certainly under those they are decidedly overt acts of treason; parading the streets under a hostile intention; attacking gunsmiths' houses; endeavouring to persuade the soldiers to open the Tower gates, in order

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that those who used the persuasions might become masters, — are acts which, combined together with the great range of operations in evidence against the prisoner, can leave no doubt of the dreadful change that was contemplated.

The second count, which comprehends the compassing and imagining the deposition of the King, is almost the echo of the first; for he who compasses the deposition, certainly compasses the death of the King. Levying war is the assembling together a multitude for a hostile purpose, to procure by force of arms any general object in view. Insurrections to pull down prisons or brothels, in fact, all acts of this description, which arise from a purpose hostile to the tranquillity of the state, are comprehended under the denomination of levying war. It will appear that the object of those, one of whom is now taking his trial for life or death, was against the safety and tranquillity of the state: that it was revolution, and the introduction of disorder and confusion. It has been found necessary to try the prisoners, apprehended upon this charge, separately, in order to avoid the difficulty and confusion necessarily attendant upon the practice of challenging the jury; but it must not be forgotten, in the course of the trial, that that prisoner is named as a conspirator with others, and that his conduct is deeply affected by that of those with whom he conspired. Although James Watson is alone on his trial, the particulars of the conduct of Thistlewood, Preston, and Hooper, who stand near him, must not be omitted in the consideration of the case. In the matter of inquiry those particulars are not to operate against any other than Watson, with respect to your verdict; but their acts are his, and there is no possibility of disjoining them. When men have a plan to put into effect, each takes a part in the operation different from the other; but, if they all act in conjunction and conspiracy together to accomplish their plan, the act of one is the act of all; and if you believe that Watson conspired with Thistlewood and the others, to carry into effect that with which the prisoner is charged, it is impossible to separate the guilt of the one from that of the others. I shall, for the purpose of making my view as comprehensible as possible, put an instance: suppose it to be inferred from those circumstances that a conspiracy to take the Tower of London existed; if one of those who conspired came on one day, and performed some act confirmatory of such intention, and another came on another day, and also made his acts correspond with the object of seizing upon the Tower, and so on, those separate and apparently distinct acts are considered as the acts of one conspiring mind.

Here the learned gentleman entered into a detailed history of all the circumstances connected with the conspiracy. The parties concerned in it were Watson, Preston, Hooper, and Thistlewood. Watson had for some time lived in Hyde-street, Bloomsbury: on the 25th of November, he went and took a lodging at No. 1, Dean-street, Fetter-lane, and it was not certain whether the people belonging to the house in Hyde-street, where he lived, knew of his taking this lodging: from the latter place he went away on the 25th, and did not return to it again. Thistlewood lived in Southampton-buildings, Chancery-lane; and Preston lived in a house in Greystoke-place; the house No. 9, in that place, was his residence; and that was the place to which all references respecting Hooper was to be made. It appeared, then, that, up to the 25th of November, Watson resided in Hyde-street; and that on the 2d of December, his residence was in Dean-street, Fetter-lane. Preston still continued in Greystoke-place; and this would appear to have been a most important

not, so far as regarded the transactions which were to be detailed to the jury. It would appear to have been their constant place of meeting, and that it was, in fact, the head-quarters of the conspiracy. In the month of October, a person named Castle, whom he should call as a witness, got acquainted with Watson and Preston; he first met them at one of the meetings of a society which was called the Spenceans; the place of that meeting was the Cock, in Grafton-street, Soho. It was not his intention to enter into any comments respecting the nature or tendency of these Spencean societies. He should merely observe, that one of their leading principles was—that all exclusive possession in land was unjust and oppressive; and that all the land of the kingdom ought to be made the common property of the people. It was unnecessary for him to point out the folly or the wickedness of this plan; however, such must be obvious to every body; he would merely say, that were it possible to carry so wild a scheme into effect, it would bring about the destruction of all property, and entail misery on the very parties intended to be benefited by it. Another principle maintained by the Spenceans was, that landholders had no right to the annuities which they received; so that the whole of these doctrines led directly to one universal system of prescription and spoliation of property. It was, as he had already observed, at one of the meetings of this society, that the witness, Castle, first became acquainted with Watson. On a subsequent evening they met at another of these societies, which was held at the Mulberry-tree, in Moorfields. It was there he first saw Thistlewood; and on this occasion, a sort of intimacy commenced between Castle and Watson. They walked along together from the place, and, as they went away, Watson enlarged on and explained his principles; and when he discovered that they were somewhat similar to his own, he began to talk to him about the subversion of the government, and remarked how easily such a thing could be effected, provided the business was well managed. Castle then gave Watson his direction, which was somewhere in or near Gray's-Inn-lane. Here Watson called upon him on the 26th of October, and explained to him the object of his visit, which was, to collect together as many of the labouring poor who might be out of employment as they could; to take advantage of the distresses under which they suffered, and induce them to become instruments for carrying their plan into effect. This was nothing less than that revolution that was to bring about an equal division of the land of the country. At the same time, Watson produced a machine by which the horses of the cavalry might be disabled and destroyed; and shewed him a plan of the Tower of London, which was to be one of the objects of their attack. Now, in corroboration of this statement which should be made by the witness, Castle, he should lay before the jury a remarkable piece of evidence.—After the affair of the 2d of December last, the lodging of Watson was searched, and in it was found two papers, one of them was a plan of the Tower, and the other was a description of the iron cat by which it was intented to disable cavalry from acting. These were the two things shewn by Watson to Castle; and these were found at the lodgings of the former. At the interview to which he now alluded, they talked about money and finances, on which occasion Watson said the parties engaged in the business had money enough. In the course of their conversation, the same day, Watson declared, that any thing but a Revolution would be beneficial to the lower classes of the people, or alleviate their sufferings. After this, the parties had frequent meetings and conversations respecting

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their plan for effecting a revolution. In one of these conversations, Watson said to Castle, that he (Watson) was to be one of the generals of the revolutionists; but that Thistlewood was to be at their head. One part of their plan was, to prevent the king's soldiers from acting against them; and that was to be effected by destroying the barracks in which they were quartered, and in such a manner as to destroy the soldiers also.—Monstrous and impracticable as such a plan as this might appear to be at first view, it was not to be estimated by the degree of folly belonging to it, but by the depravity of mind by which it had been conceived. Sometimes the wickedness of a man was so great as to lead him to adopt the most inconsistent means for effecting his object; and, therefore, the absurdity of his plan could not be used as an argument against the probability of its having been devised.—After having thus conferred upon the means of destroying the soldiers, Watson and Castle went together to visit the barracks and magazines in Hyde-park, in order to devise the best mode of ascertaining how they could be attacked. This was done previous to any conference being held with Thistlewood on the subject.—The next day Castle was introduced to Thistlewood, and then a conference took place between them, respecting pikes or pike heads, when it was proposed to Castle, whose trade was that of a blacksmith, that he should make a number of pike heads. They were to be made at a place different from that where he worked, as he was only a journeyman. After this, Watson and Castle proceeded together to Paddington, and streets adjacent, where there were several persons in great distress and out of employ, in order to work upon them and make them instrumental to their designs; for which purpose they were told that they never could be relieved from their distresses, unless some-

thing decisive was done.—Among other places, Watson desired Castle to go and sound the navigators at Paddington. If the Jury did not know what the term navigators meant, he would inform them that it was a term applied to the persons then employed in cutting the Regent's Canal, near Paddington. They were men who possessed great physical strength; and, if wicked enough to enter into such a design, were capable of being very able associates in carrying it into effect. These men were to be sounded as to their opinions, and every effort was to be made to stir them up into discontent. After this Castle went to the Cock public-house, and there became a member of the Spencean society. On this occasion Watson paid the money for his admission. On the 31st of October, Castle went, for the first time, to Greystoke-place, and when he came there, he was told by Watson that he was made a member of their committee, which was to consist of six persons. It appeared that a person of the name of Harrison had been materially connected with those parties; but, in consequence of a dispute which he had with young Watson, quitted the society before any of those objects had been accomplished. His place in the committee was to be supplied by Castle, and the remaining members were the two Watsons, Preston, Hooper, and Thistlewood. In the conversations which they held respecting the means of carrying their plan into effect, it was stated that they might rely on getting over a great part of the foot soldiers to join them; but that they could place no dependence on the cavalry. For his part he did not believe that they had the slightest foundation for any hope of the kind; for, although there might be some unprincipled and wicked men among all classes of society, he could never think that any considerable number of the military would be so criminally forgetful of

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their duty as to turn their arms, in combination with traitors, against their King and country. It was, however, a part of the plan that the cavalry, on which no dependence could be placed, was to be attacked. They were to begin with the cavalry barracks in Portland-place, and these barracks were to be burnt. Watson being, in consequence of his profession, skilled in chemistry, and well acquainted with the qualities of combustible materials, was desired to make a calculation respecting the quantity of materials that might be necessary, and the expense of them; and it was then stated, that these combustibles would not merely burn the barracks, but destroy the soldiers, by stifling them before they could leave their rooms The only question of difficulty was, how the combustibles could be disposed of, until the time came for using them. This difficulty was soon removed; it was agreed that a house should be taken contiguous to the spot, on pretence of converting it into an oil-shop, to which barrels of tar, pitch, and other combustibles, might be conveyed without any suspicion. They soon found out an empty house in Seymour-street. They repaired to the owner, a respectable gentleman of the name of Cosser, residing in Milbank-street, Westminster, who had no notion of the use to which the house was to be converted, and who was referred to Thistlewood, in Southampton-buildings, for the character of the person who was to take the house. Mr. Cosser went to make inquiry respecting this reference, and when he found that Thistlewood was only a lodger, he would not let the house to the parties; and for that reason only it was not taken, and the scheme was abandoned. The person named Harrison, whom he had already mentioned, had left the society in consequence of a quarrel with young Watson, and in consequence of being alarmed at its proceedings. The parties then having given up the plan of the house, agreed to have a number of pike-heads made; and Castle was appointed to go to a person, from whom he could get a pattern of a pike-head. He was desired to say to the person that it was wanted to form part of an iron fence, which was to inclose a rabbit-warren; the name of the person was Mr. Bentley. He had no suspicion as to the object the parties had in view; and he gave a pattern of one of those instruments, which he supposed was intended to form part of a fence. When this should be produced in Court, it would be found to be a terrible instrument of death, and even of war. An order then was given for 250 pikes, to be made exactly resembling the pattern in question: they were made at Bentley's workshop, and taken away by young Watson and Castle, and carried by them to Watson's lodging, in Hyde-street. Castle did not afterwards know what became of those pikes, but a most extraordinary circumstance respecting them would be shewn in evidence, by which it would appear, that, after Watson left his lodgings in Hyde-street, a privy belonging to the house was searched and emptied, and in it were found one hundred and ninety-nine pikes, exactly resembling those which Bentley had been ordered to make. It is not necessary for me to enter into a minute detail in further explanation regarding these pikes, or pike-heads; but I now come to a most important fact. Something like an organization was agreed upon, and the prisoner, with others, whom you have heard named, were each appointed to their respective offices. Thistlewood was to have the command, Watson, sen. was to be second, Hooper third, Castle fourth, Watson, jun. was to be fifth, and Preston, who was lame, had the last post assigned him. It was at first agreed upon at a meeting held by these parties, on the 10th of November, that

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an insurrection should take place on the first assembly at Spa-fields. This, however, was abandoned, and it was merely determined upon to congregate the people together, for the purpose of discussing the state of the times, and seeking a redress of grievances. About this time there were placards and advertisements issued, signifying that there had been adopted a "Committee of Public Safety." To this announcement there were attached certain names, which, however, in justice to them, I must declare my consciousness, that they did not even know they had ever been mentioned. But mark how extraordinary it was; when the prisoner Watson was apprehended, on the night of the 2d of December, a paper was found in his pocket, which purposed to contain a list of this "Committee of Public Safety." It was signed Sir Francis Burdett, Lord Cochrane, Mr. Arthur Thistlewood, Major Cartwright, Mr. H. Hunt, Mr. Gale Jones, Mr. R. O'Connor, Mr. James Watson, and others.

The Jury being observed at this part of the case to be taking notes, Mr. Wetherall rose, and inquired whether they were taking the statements as facts proved?

Lord Ellenborough.—"I cannot possibly suppose that they are taking notes in any other way than as I would do, by way of illustration, and that they have a right to do."

Several of the Jury said that this was exactly the reason of their noting the statement.

Mr. Attorney-General resumed:—I am stating that which I am fully instructed to state, and it would be unworthy indeed of me, if I attempted to state any, even the slightest thing, beyond what I was confident I should be enable to prove.—As I mentioned to you before, gentlemen, the existence of the Committee of Public Safety, I should not have omitted to mention that some of the names of its alleged members were changed; but this is of little moment, while it is of great importance that the paper was actually found upon the prisoner. Soon after the transaction before alluded to, a meeting was held, at which it was agreed that a meeting was to take place in Spa-fields, and that then an insurrection should burst out. This, however, did not take place, for reasons which will be proved by the witnesses. The next feature of the conduct of the prisoner and his companions was the publication of an advertisement, signed by one Dyall, and which was to have been published by Watson or some other person of the party. It was addressed principally to distressed artizans, manufacturers, &c. and announced the intended meeting. Thus, in order to effect a diabolical purpose, a paper of apparently an innocent nature, was circulated, for the purpose of imposing on the minds and feelings of the poorer class of society, and by subsequently working on their passions, to make them the ready victims of the guilt the party had planned to execute. No doubt numbers of suffering individuals would go to this meeting if they thought any good would result from it to them; but even laying aside the consideration of the wicked plans they had in view, nothing could be more infamous to conceive, than the calling together of the lower orders of the people, under pretence of doing them some good, and taking advantage of their distress, and the infirmities of human nature, by proposing to their hopes one thing, and deceiving them with another. Gentlemen, in the course of these proceedings the meeting alluded was called, but it was found necessary to have a leader, and, in consequence, a Mr. Hunt, who lived in the country, was applied to. I do not believe, however, that the real purpose of the meeting was made known to that gentleman, but that it was represented to him, as I

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before said, the case of distressed artizens and manufacturers, &c., Nor do I think, gentlemen, that the breaking out was intended to have been attempted at this time; and the meeting which will be described to you took place. Subsequent to the proceedings of this day, the whole party went to dine at Bouverie-street with Mr. Hunt, and I will shew you that the prisoner Watson and the others were all acting there together. This was on the 15th of November, and another meeting was proposed to take place soon after the meeting of parliament, which was to assemble in the month of February. This delay was objected to by Young Watson, who proposed that no longer adjournment should occur than seventeen days, and that there should be a meeting on the 2d of December. This was agreed to; but I should have informed you that, at the meeting of the 15th of November, a flag was unfurled by the parties, on which was inscribed the following words:—"Nature to feed the hungry; Truth to protect the oppressed; Justice to punish offenders." Of the nature and intention of this address, gentlemen, I will leave you to judge; and let me add, that during the interval from the 15th of November to the 2d day of December, no other means of industry was left unemployed in exciting the passions and inflaming the minds of the people. The day of the 2d, however, was approaching, and the inquiry was, what should be done? An advertisement, among other things, was agreed upon, and perhaps to read it was the best way at once to shew its meaning. It was as follows: "England expects every man to do his duty." A meeting will take place on the 2d December, to receive the answer of the petition to the Prince Regent, determined upon at the last Meeting held at the same place, and for other important considerations. The present state of Great Britain:—Four millions in distress!!!—Four millions embarrassed!!!—One million and a half fear distress!!!—Our brothers in Ireland are in a worse state!!!—The climax of misery is complete: it can go no further. Death would now be a relief to millions.—Arrogance, folly, and crimes, have brought affairs to this dread crisis. Firmness and integrity only can save the country. After the last meeting some disorderly people were guilty of attacking the property of individuals. They were ill-informed of the object of the meeting; it was not to plunder persons suffering in these calamitous times in common with others; the day will soon arrive when their distresses will be relieved. The nation's wrongs must be redressed.—John Dyal, Chairman, Thomas Preston, Secretary."

The note at the bottom of this advertisement is of the greatest importance, and coupled with what I have before detailed, nothing can be more insidious. It is impossible to read it without drawing the inference of its diabolical design, more particularly when the other strong facts, namely, the ordering of the pike-heads, the firing the barracks, and other matters, are taken into consideration. I shall indeed be happy to hear what explanation my learned friend (Wetherall) will give to the production I have just read you. For what purpose, I would ask him, was such an advertisement placarded and circulated, unless for the purpose of recommending the adoption of force? What other possible object could there be, unless it was to inflame the minds and passions of the people, and to stir up insurrection and rebellion. The paper to which I have just drawn your attention had also not only been placarded upon the walls of the metropolis, but care was taken that copies should be circulated among those most necessary to be influenced, namely, the soldiers. I now proceed to inform you that

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previous to the meeting of the 2d of December witnesses will prove, that young Watson and others agreed to go and view various gunsmiths' shops, marine storehouses, &c. The former, in particular, were to be visited on the day of the meeting, and the assembly were, of course, to supply themselves with arms. One plan beside was worthy of remark, and the more so, as it regarded the opposition expected from the soldiery. Nay, it was not only to have been adopted with a view to prevent the firing, but to win over the soldiers. A number of young women were to be procured; they were to be dressed out in the best manner, to be decorated with the tri-coloured cockade, and to be placed in front of the ranks of the divisions, to be headed by the several parties. This, I presume, was expected to have worked powerfully upon the humanity of the troops; but looking at the possibility of mischief occurring, and such a plan being adopted, I think the project was most wicked and abominable. The time of the 2d day of December, and whatever was decided upon, was to be ultimately carried into effect on that day. Arrangements were, however, necessary to be made, and among the arms purchased for the occasion were pistols traced to the previous possession of the parties, and afterwards actually found in the possession of Hooper, who was apprehended by the praise-worthy exertions of the Lord Mayor and Sir J. Shaw. The person named Castle, to whom I have before alluded, was also commissioned to purchase pistols, sabres, &c. which he did; and, previous to the great meeting, the prisoner and his companions assembled in Greystoke-place, where, with the exception of Thistlewood, they all dined, and agreed to go together to Spa-fields on the following day. Castle, in furtherance, was sent out to hire a waggon or stage, in which he was unsuccessful; until, at length, meeting with a person named Windermude, he made an engagement that he should go with him to the top of Chancery-lane, and meet him, from there to go to Spa-fields. Windermude was asked to decorate his horse with ribbons, the tri-coloured cockade, &c. but he refused. The parties, however, proceeded to the waggon with their arms and ammunition, &c. to Spa-fields, and it was further agreed, that, in the course of their career, they should go to the "Old Lady and the Old Gentleman." This, gentlemen, I understand, means the Bank and the Tower!—Castle, I should observe to you, left the party that went to Spa-fields, and directed his course towards the east end of the town. Here he was directed, if he met with a sufficient assembled force, to proceed and endeavour to take the Tower himself. Thus, it appeared, that Castle had nothing to do beyond his procuration of the waggon on that memorable day I have just named to you. What was done at Spa-fields I shall now shortly advert to; and, after I have stated the transactions of that day, you will have to say whether those persons, having previously purchased arms, did not act for the purpose of destroying the king and constitution of these realms—whether they did not compass and imagine the king's death—and whether they did not conspire to levy war and compel the king to change his measures. But, before I come to what occurred at

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Trials for High Treason!!

FAIRBURN'S EDITION.

No. 5.

The Attorney-General's Speech continued.—Portrait of James Watson, the Elder.

Spa-fields on the 2d of December, I should observe, that on Saturday, the 30th of November, it was agreed that different persons were to go to different parts of the town, and a plan was arranged by which particular divisions were marked out. Some were to be at London-Bridge—some at one side of the Tower, and some at another. And here I must bring to your notice a most singular thing, as a decisive proof and confirmation of a plan of operations having been arranged. I have already told you, that when Mr. Watson, senior, was taken, on the night of the 2d of December, a paper, purporting to contain the names of a Committee of Public Safety, was found upon him. I will further shew you, that in his pocket also was found a paper, which is obviously and manifestly a sort of plan of intended operations; and from which it is clear that the Tower and the Bank were the principal objects of attack. The paper found in his pocket was this:—

"Smiths (meaning blacksmiths), Westminster-road, to form three divisions, and collect as great a number as possible together, and meet the London division at the London-road, and proceed to the Old Man, Paddington, to proceed to St. Giles's.—Barricado each street to Holborn-Bars, and the approaches to T. B. (meaning Temple Bar).—Barricado Chancery-lane and Carey-st. St. Giles's division to barricade as far as St. Andrew's Holborn, to include Chancery-lane; 3d, Gray's Inn-lane; 4th, St. John-street and Old-street; 5th, Whitechapel; 7th, Bank; 8th, Picket-street. This paper, thus enumerating points of co-operation, was found in Mr. Watson's pocket, on the night of the second of December, when he was taken in the attempt to quit London. Every division was settled and agreed upon on the 1st of December, at Greystoke-place. At least divisions very much similar to those I have read. It will also appear, I think, that at that meeting a map of London was produced, in order to explain and facilitate the course of proceeding agreed upon to be pursued on Monday, 2d December, which, as you will observe, was convened in pursuance of the inflammatory advertisement I have already read to you. That meeting had been adjourned from the 15th November, and it was expected, of course, that Mr. Hunt would come and address the assembly, not as chairman, but as one of the persons who was desirous of expressing his sentiments. Whether it was in consequence of any thing which Mr. Hunt had said on the former occasion that this expectation was formed, I do not know, but certainly he was expected. The conspirators, however, thought it more advantageous for their purpose that they should begin their proceedings before Mr. Hunt came, and they therefore began accordingly, with a view, as will appear, for the purpose of giving their partizans the necessary instructions before he should arrive. At this proceeding, Thistlewood, Preston, Hooper, and the two

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Watsons, took an active part, the latter of whom were the most conspicuous, on account of their inflammatory language and conduct. The waggon, in which the arms and ammunition I have already spoken of, was placed in the field, and from thence the inflamatory language, and which I am going to read, was addressed. The principal orators on that occasion were the prisoner Watson, and his son, James Watson, junior. The language and expressions used on that occasion were manifestly intended to excite a seditious disposition in the mob then assembled, for the purpose of more successfully carrying into effect the previous deliberate conspiracy; formed for a general insurrection and rebellion; and I think no man, let him be ever so blind, or ever so dull in understanding, can doubt, that what occurred on that occasion was the effect of a preconcerted plan; and that, in fact, the object of the parties who took part in that scene, was nothing else but insurrection and rebellion, for the purpose of overturning, as far as they could, the government of the country, and plunging the kingdom into anarchy. No man, I say, can hesitate to believe, that the object of the measures of that day, coupled with the previous concert and conspiracy, was to effect a complete revolution in the country, by the actual deposition of the king from the throne, and the dissolution of all government and all law in the society in which we live. Good God! let us reflect upon what would be the consequence of the mischief contemplated by these persons had it been carried into full effect. Let us imagine, for a moment, what a state of anarchy and bloodshed must have resulted from the success of the Spa-fields conspirators. Suppose those persons had got into power, and could have maintained for any time the upper hand of civil and military power, in what a state of desolation and anarchy would this country have been involved! Should we not have been in actual state of civil war, at least during the time that such a contest could have lasted, and should we not during that time have experienced all the horrors and anarchy of civil war and domestic bloodshed. Is there a good man, or any man, who does not believe, that if the plans of these misguided persons had succeeded, that the country would have been involved in rebellion, and all the desolation consequent upon the subversion of the constituted authorities of the land? Gentlemen, I was about to state to you the effect of the addresses delivered by the prisoner at the bar, and his son, to the misguided multitude assembled on the 2d of December. The language used by Mr. Watson, senior, on that occasion was this:

"Friends and countrymen — We are convened this day, in consequence of the resolution passed at our last meeting, to hear the answer to the Petition which we agreed to present to the Prince Regent. I cannot refrain from expressing the pleasure which I feel at this moment in addressing so respectable a Meeting. The Petition which Mr. Hunt was deputed to present to the Prince Regent, was prepared in the hope that his Royal Highness would give an answer to the cries of those starving thousands by whom he is surrounded. I am sorry to inform you, however, that he has resolved to give us no answer—that he will afford us no consolation. It is useless then to take that course. This day we are called on to take other measures; and England expects every man will do his duty! (Applause). We are called on, because four millions of our countrymen are in distress!—because so many more are embarrassed!—because one million and a half fear distress,—while these miseries exist, how few enjoy splendid luxury! Only half a million of the people of this country, as this placard expresses, are not in fear either of embarrassments or death. I ask you,

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riends and countrymen, if Ministers have done their duty in advising the Prince Regent not to hear our cries? (No.) Has the Prince Regent himself done his duty? (No, no!) Was there ever a more calamitous time in this country than the present moment? (No, no!) It is not only this country that is thus oppressed—our sister country, Ireland, shares in our misfortunes. There, the climax of misery has been brought to a close. There, their sufferings cannot be extended further. Are we to go on from time to time, from month to month, from year to year, crying to the father of his people, as he is called, in vain, for redress? (No, no.) The present is the time to do something. (Huzza.) What! will men, with minds and hearts of Englishmen, continue thus for months and years to be starved? (No.) How are we to be restored to our rights? Not by talking!—Not by long speeches! Not by petition; for our petitions are not heard. (Bravo.) It appears that we are placed in a state of bondage: the rights of civil society are not attended to. The calls of the multitude from time to time have availed nothing. That parliament which was destined for the protection of the people, has been invited to assemble together, to take into consideration the distresses of these calamitous times; to consider, in their wisdom, if they possess wisdom, the situation in which we are placed. In this distressed state of things they should have obeyed our call; they should have assembled together, and have taken into consideration the situation of the dying multitude, and not be deaf to our prayers. (Groans and hisses.) It must rest with ourselves then, to consider how we are to relieve ourselves in these calamitous times. We have been told truly, that trade and commerce have been annihilated; but still we have the earth which nature designed for the support of mankind. —The earth is sufficient to place every man in distress in a comfortable situation. If he has but a spade and a hoe to turn up his mother earth, that will prevent him from starving. In the situation in which we are placed, how is this to be done? I will tell you; I have said that the bonds of society have been neglected; what, then, is our situation? They have placed us in a state of nature. They have neglected the cries of the hungry and starving people. Not a day passes in the streets of this great metropolis, in which people are not seen starving to death. Are they ignorant of this? (No.) If they are, they ought not to be; but they are not. They know well that the people are starving in every part of the kingdom, and yet will admit of no measures to relieve them! (Groans.) Will they now hear our cries? (No.) Have they not been supplicated in the language of men, in the language of forbearance and of patient suffering? (Yes.) The Israelites were in a state of bondage for a long time, but we double that time. Ever since the Norman Conquest, Kings (and Lords) have been deluding you. They have, in many instances, converted the people to their own wicked purposes; but this must not last any longer." (Shouts.)

Gentlemen, such was the language of the prisoner on that occasion. It was impossible to misunderstand his allusion to the Norman Conquest. It is obvious that his object was to bring into scandal and contempt the kingly authority. We then come to the address of the prisoner's son to the multitude then assembled. It was to this effect:—

"The last time we met in this place, I had the honour of saying a few words. I was the person who proposed the resolution for our meeting again this day.—It was said there that we should hold our meeting on the first day of the meeting of Parliament. It was not in our power, however, to tell when Parliament

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would meet—it might never meet at all! (applause.) At that time we agreed to present a petition to the Prince Regent. This petition, we have been told, was presented, but answer there was none, except that the Prince Regent said, 'that his family never attended to the prayers of the people; they never answered any petition which did not come from the Universities of Oxford and Cambridge, or from the Corporation of London,' in other words, 'I will not attend to the prayers of the people.' (—— him.) This man calls himself the father of the people, (—— him.) Is it not the duty of a father to protect his children? (Yes.) Does he do so? (No.) No, he leaves you but too much ground for complaint; while he tramples on your rights. There is no luxury which he spares: he knows the expenses will be paid out of your pockets. (Groans.) Are we to submit to this any longer? (No.) Will Englishmen any longer suffer themselves to be trampled upon like the poor African slaves in the West Indies, or like clods and stones. (No, we must have relief.) We can expect nothing. (Yes.) I beg your pardon,—since our last meeting, from the resolutions which were passed by the people, calling upon each other to come forward, some persons did distribute ox-cheek broth and ox-bone soup. (Laughter.) Many came forward with their £200 and £300, who should have come forward with their one hundred and two hundred thousands! Do you believe that these contributors have a sincere wish for the people? (No.) They come forward to rob you of all you possess, and then give you a penny to pay the turnpike. (Laughter and cheers.) The Prince Regent, in his great generosity, in consequence of our miseries, has given you £5000 out of funds which do not touch his own pocket. (Shouts.) He plunders you of millions, and then gives you part of the spoil. My friend here (Mr. Preston, as was supposed) has been described by the Treasury Journals as a second Wat Tyler. No bad title; for, be it recollected that Wat Tyler stepped boldly forward for the purpose of resisting an oppressive tax—and would have succeeded had he not been basely murdered by William Walworth, then lord mayor of London. But we have no bull-rush lord mayor now: and if he had been surrounded by thousands of his fellow countrymen, as I am now, he need not doubt his success. (Huzza!) It seems the determined resolution of ministers to carry things with what they call a high hand,—or, as they say, our Sovereign Lord the King will carry every thing with firmness. In short, they will carry the business in defiance of the voice of the people. (Cheers.) If they will not give us what we want, then shall we not take it? (Yes, yes!) Are you willing to take it? (Yes, yes!) Will you go and take? (Yes!) If I jump down among you will you follow me? (Yes, yes, from a thousand voices!")

Upon which he jumped down, and the prisoner and his son, heading the mob, proceeded towards the city, accompanied by Thistlewood, and others of the conspirators. In their progress they were assailed by some of the police officers, (who will be called to you,) and by whose exertions some of the banners and flags were taken from them. On one of those banners was inscribed, "The soldiers are our friends, treat them kindly." Can any man doubt that the object of this inscription was to seduce the soldiery, in case it should be found necessary to call them out for the purpose of putting down and repressing the insurrection.—Another remarkable circumstance was, that amongst the banners unfurled on that occasioned, was the tri-coloured flag! Need I call to your recollection, gentlemen, the associations connected with that memorable ensign in the

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bloody era of the French Revolution. A period at which the tri-coloured flag was the rallying point of every thing that was bloody and atrocious. At first it was the symbol of revolution and violence, and it was afterwards adopted as the national standard of tyranny and usurpation. For what purpose was the tri-coloured flag adopted in this instance, but for the purpose of holding up the example exhibited, of rebellion and horrible assassination, which took place at the French Revolution? For what other purpose, I would ask you, could it have been adopted? Such ensigns as these, tending as they do to inflame popular feelings, have at all times been most dangerous to the public tranquillity, and have often been resorted to by designing men, for the purpose of inciting their countrymen to acts of outrage and rebellion. Many of you, I dare say, are old enough to recollect the scenes of plunder and desolation, which disgraced this great town in the year 1780, when a tumultuous mob, headed by Lord George Gordon, proceeded to acts of the most disgraceful and wanton violence.

For what purpose all this insignia of war, but to put themselves in battle array, and to furnish themselves with reinforcements and with weapons of destruction? Why were the gunsmiths' shops attacked, and the pawnbrokers, except it was to furnish arms, which were to answer the purposes they had in view? They attacked and pillaged Mr. Beckwith's shop of all the arms they could find; and, from the identical arms taken from it, which were traced to their hands, in the instant they were employing them in purposes and overt acts of treason and rebellion, the object was clear. That object was expressly declared by the address of young Watson, who, it would be proved, went to buy those very pistols which he took in his pocket, and with which he shot at that young gentleman, Mr. Platt, then in the act of expostulating with him, though, fortunately he did not kill him. When this transaction took place, they had no sooner accomplished this bloody-minded purpose, of plundering Beckwith's shop, and of murdering such as opposed them, than they proceeded with those arms, which they judged favourable for their designs, towards the Royal Exchange. Being here met by the Lord Mayor and the worthy magistrate sitting under their Lordships (Sir James Shaw), whom they no sooner saw than they resisted an attempt which was made to secure them. In the intermediate time, they had collected an additional mob, armed like themselves, with guns, pistols, and every weapon they could possibly lay their hands upon; thus trampling upon the laws and constituted authorities in a state of revolutionary riot and open rebellion, for I may fairly say so from the deliberate design, purpose, and execution, which was manifest from the acts they committed throughout the whole affair. They were running some one way, some another, when met by the Lord Mayor and by Sir James Shaw. Two guns were at that instant discharged at the Lord Mayor, though neither did execution; and one of these persons, so carrying and using these arms, was now charged as a prisoner with Mr. Watson. The person alluded to was Hooper, who had those very arms in his hands, which would be proved to have been purchased by young Watson just before the proceedings of that morning; and in consequence of those consultations had between them for the express purpose of arranging what was intended to be, and actually was so carried into execution on the Monday. The gun-smith would be called of whom these pistols were purchased by young Watson and one of which would be proved to be the very pistol which was found upon Hooper. Some broke off in the direction of the west, others pro-

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ceeded in the direction of Surrey, and those who were taken with arms in their hands, to the Royal Exchange, and eastward, in the direction of the Tower of London. After having concerted their measures according to the written plan, which was found upon the person of the prisoner Watson (with other documents that would be produced), what was the next object?—to attack the gunsmiths' shops. The shop of Mr. Ray, in the Minories, was immediately attacked, in the same way as that of Mr. Beckwith's, although Ray had actually then shut up his shop. They went over to the other side of the way and attacked the shops of Brandon and Potts, and took all the arms that could be found there, together with a field-piece. When they had thus proceeded to the Minories, they were not far off the Tower. Here a person advanced from the rest of the mob, and who, I believe, will be shewn to have been Thistlewood. He got upon the railing which surrounded the ramparts, and, raising his voice, made a treasonable address to the soldiers. He represented to them that they were to receive one hundred guineas a piece, and, with a sword in his hand, he invited them to come over to the mob. He solicited his Majesty's troops to join in those measures for which they had armed themselves. Can any human being doubt what their object was in thus seeking to seduce the soldiers from their duty, to join them with their arms? If this was not to excite a general insurrection, for what other object? Why were they armed at first, and why did they resort to plunder for arms? Why attempt to seduce the soldiery from their allegiance, but to obtain all the reinforcement that could be procured? Why the mounting up into a waggon, furnished with ammunition? Why those inflammatory speeches to excite the passions of the mob, except for the purpose of bringing over others to join them, for the purpose of open and avowed rebellion and treason. The question is, whether this was a conspiracy to overturn the legitimate government of the country, or with intention to petition for redress of grievances, or Parliamentary Reform? Now, I do say this—I do not care how far they go towards this object of contemplation, provided they go so far only as to show what their object was. I should be glad to hear from the prisoner, or his counsel, what, in reality, their object was? What was the purpose of all these consultations, or apparent acts of treason? What in reality was intended? Then, I say, from what was done, or what could be known but from what was done, that their object was levying war against the sovereignty of the state and against the constitution of the country as by law established. I say that what was done was nothing short of all this, though, as I have already told you, I should not pursue the same course of proof as I have laid down in opening this prosecution. After they had made this attempt upon the Tower, and matters were, during the afternoon of Monday, in a very alarming state, tranquillity, by the interference of the military and of other loyal subjects, was so far restored, and the mob dispersed.—I say, after this dispersion, the evidence traces Watson, the elder, Thistlewood, and Hooper, (prisoners at the bar,) back to the lodgings of the elder Watson in New-street. There

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A CORRECT LIKENESS OF

JAMES WATSON, THE ELDER,

(TAKEN IN COURT,)

Drawn and engraved by Mr. I. R. CRUICKSHANK, expressly for Fairburn's Edition of the Trial.

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No. 6.

The Attorney General's Speech concluded—Evidence for the Crown.

it was found Thistlewood and Watson came and packed up some linen and apparel; and from there they were traced to another lodging, in the house of a person named Williams, in Shoe-lane. Here they left the witness whom I shall call, and also left Preston, and departed from London that night. It happened they were discovered in the dead of the night, in the neighbourhood of Highgate, by one of the patroles there, who had received information of some robbery committed in the county of Essex. He happened to see two people skulking along in the dark, one with a bundle under his arm, when he advanced and desired them to stop. The prisoner said he had no objection to shew him his bundle, when at the same time the patrole accidentally discovered that Mr. Watson had a pocket pistol concealed about his person. This discovery increased his suspicions; he had no doubt their intentions could not be good, and he immediately seized Watson, the prisoner, when the other two persons both fired their pistols at the patrole; Watson was first secured: he made considerable resistance by striking the patrole; but in the scuffle the patrole drew his dagger, and the prisoner was secured. When searched he was found armed with pistols. Now, gentlemen, until then there was nothing against Mr. James Watson whatever, except what transpired at a subsequent time, and whatever they state they did during that transaction, goes to the evidence of one and all; but as to any thing done by other persons, will not excuse or assist these persons in the outrages which they have committed. In going into evidence, I shall begin with the transactions of Nov. the 15th down to the 2d of December. I shall call a great many witnesses, but only to the most important facts appertaining to the various transactions. A witness, who was privy to the conspiracy, is subject to this. He must be considered to have been an accomplice. So he was beyond all doubt, but the law admits his testimony; and beyond all doubt he is a competent witness, if confirmed by others. But, perhaps, though unconfirmed, the law, in many cases, though it does not declare him incompetent, yet it would be too much to say a reliance should be put upon his testimony in capital cases like this, where the life of a fellow-subject is at stake. But say, nevertheless, that without this evidence of an accomplice being allowed here, as cogent and strong evidence against the prisoner, you will say there is cogent and strong evidence against the prisoner of overt acts of treason upon this indictment. But I know I shall confirm this witness upon many circumstances, of the foundation for which there is no doubt. The other persons who were accomplices with him in what he did would be so strongly corroborated by other evidence, there would be hardly any point in which he would not be confirmed by persons who were not ac-

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complices, and who were ignorant as to what those circumstances led, until we came to inquire into them, and they confirmed this man in all that was necessary to the case. All doubt will now be removed, by which I shall have made out a case from these transactions in support of the indictment, namely, conspiring and imagining the death of the king, intending to depose the king, and also levying war for the purpose of deposing his majesty.

Gentlemen, I am sorry for having taken up so much of your time, and perhaps I may have given you a great many confused dates and titles, for which, I hope, I shall be excused.

EVIDENCE

For the Prosecution.

THOMAS STORER *sworn.*

Examined by the Solicitor-General,—He stated that he had been a printer, in Fetter-lane, and knew the prisoner, James Watson, the elder. The prisoner called on the witness, at his house in Fetter-lane, in November last; he believed it was on Wednesday, the 6th of that month. He wanted witness to print a paper, purporting to be a memorial or petition, intended to be presented to the Prince Regent. He stated that he wanted the copies of this paper on the following evening, to be distributed at a meeting to be held then. Witness told him that he could not get them printed in so short a time. The prisoner read a part of this memorial to witness, of which he remembered some heads;—he remembered that the land was to be divided into parishes, and let out into parochial partnerships; that all waste lands, mines, and quarries should be appropriated to cover the Government expenses, and that after that the rental of the different parishes or bounds should be divided among the people. These were the principal heads he remembered. Mr. Watson said there was a meeting to be held at the Carlisle in Shoreditch the next day—that was the Thursday.—He promised to bring witness the bill of a public meeting to be printed. He did not print the memorial of which he had spoken. He saw the prisoner the Sunday following. On the morning of that day the prisoner called at his house, and brought a copy of a bill to be printed. Witness agreed for the printing of it,—to furnish 2,000 small copies, and 300 large ones. Witness composed it and shewed it to Watson, when he called again on the same evening; he approved of it and asked witness when he could let him have some. Witness said he could not let him have any as it was Sunday, but the following morning he should have them. At that time (Sunday) Watson gave the witness £10, telling him to take out of it what he wanted as a deposit. He took £1 and returned the rest.—Watson told him that the advertisement would appear in The Morning Chronicle and Morning Advertiser. On the Monday the prisoner came again. On the Wednesday and Sunday before he had come alone; on Monday he was accompanied by his son and another person. He asked for the bills; witness declined giving them. He asked why witness had not objected at first? Witness said, that at first he had seen no harm in the bill, but now he thought it dangerous to have any thing to do with it. He told Watson that it was easy to call a meeting, but when they were assembled, who should be accountable for their actions. Prisoner told him there had been many meetings in the country at which no harm had taken place, that the people had gone home peaceably and quietly. Witness said he did not like to run any risk. Young Watson asked what he was afraid of. The old one said he supposed witness was afraid of having his house pulled down about his ears by the vengeance of the mob, and that he was perverting the ends of justice more than supporting it, by refusing to do the bills. Young Watson asked him to give him a copy of the printed bills. Witness told him, that as his name was to it, any printer would print it after, without thinking there was any danger; he mentioned this as an objection. Young Watson said he wanted one, not to give to any printer, but to send it to Mr. Hunt. Witness told him he knew Mr. Henry Hunt very well, and if he would produce a letter from Mr. Hunt he would send him one. Young Watson said, if he (witness) would not do it without the letter, he should not do it with. Witness gave Mr. Watson the paper which he had purchased for printing the bills

on, and the difference between the price of that paper, and the £1 note. He kept one copy of the printed bill, which he gave to the Grand Jury at Hicks's Hall. The rest he burnt. The manuscript he returned to Mr. Watson.

[The Solicitor-General here observed, that the Bill which had been delivered in to the Grand Jury had been mislaid, but notice had been served on the prisoner to produce the manuscript].

The subject of that bill, witness stated, was to call a meeting on the 15th of November in the Spa Fields, to consist of mariners, distressed artizans, and manufacturers. When he declined printing the bill, young Watson took away the paper, and said he would go to Tottenham-court-road and get it printed there, at Messrs. Seale and Bates's. (A paper was shewn to witness.)—He procured that paper from Messrs. Seale and Bates's on the Tuesday following (November 12). He knew Greystoke-place, Fetter-lane; there were entrances to it—one from Fetter-lane, and the other through a passage into Cursitor-street, which was shut at night. On the evening of the 13th he had been at the Carlisle; as he was returning home, about one or two o'clock on the Thursday morning (14th November), he went through Greystoke-place, but found the passage shut. As he came back, he saw the door of No. 9 open, and six or eight persons come out. He did not know any of them.

Cross-examined by Mr. Wetherell.—On what day were you desired to print the Memorial to the Prince of Wales?—On Wednesday, the 6th November.

And you declined because you were pressed to print them so early that you had not time?—Yes.

When you printed those bills which you did not chuse to have circulated, of which you kept one, what did you do with the rest?—I burnt them.

How did it happen you kept one?—By curiosity, to see whether the meeting would happen accordingly.

What led to your keeping it?—I went to the office of the Morning Advertiser on Monday, and seeing the advertisement did not appear, I did not wish my name to be at the bottom of such a bill.

Whom did you first tell it to, that you had such a bill?—I do not remember. I did not know at first that I had kept the bill; I found it in my pocket; if it had been with the rest it would have been burnt too. I told an old printer of it first.

When did you take it to the Secretary of State?—I took it on Monday.

Did you keep it on purpose or by accident?—I did not think it worth while to destroy it. I kept it out of curiosity.

Were you examined by the Grand Jury at Hicks's Hall, as to the fact of printing the bills?—Yes.

Who took you there?—Mr. Litchfield, or one of his Clerks.

Did Mr. Litchfield?—I cannot remember.

Was Mr. Litchfield present during the Grand Jury examination?—I do not know.

Whom did you give the printed bill to?—I believe it was one of the Grand Jurymen. I did not get it back again; I have not seen it since. I was examined before one Jury at Hicks's Hall, and before another here belonging to this Court.

ARTHUR SEALE, printer, *sworn*.

Examined by Mr. Topping.—Has lived in Tottenham-court-road upwards of 17 years. Application to print some hand-bills was made to him, about the 11th November, 1816, which was on a Tuesday; as he thinks. The application was made by Mr. Preston, who is now in court, and whom he had known for about two years. He now identifies him. Would know one of them that came with him, though he cannot name him. [Here he pointed out Watson as the individual he referred to.] Preston said, in the presence of Watson, that the gentleman with him wanted some bills for a public meeting, which, as he believes, was the 15th of November. Being shewn one of the bills which he printed; he knows it; he printed it from a manuscript furnished by one of the gentlemen. The order was for 3000 small and 500 large copies of the bill. He delivered them, when printed, to a great many different individuals, as he had no particular orders to give them to any one; and he thought that Mr. Preston could satisfy him as to who was the employer. Part of the bills were printed next day (the 12th), on paper brought by some of these gentlemen to his office. Has the manuscript now in his hand from which he printed them, and which he now produces; but does not know the hand-

writing. Does not know Preston's hand-writing, nor the names of the two persons subscribing the manuscript. Was applied to for the purpose of printing more on the 26th of November, for the meeting of the 2d December; Mr. Castles applied to him for that purpose. The order was for 4000 small and 500 large ones, or, as they are called, placards. When applied to for the last order, he refused to do them, as he had not been paid for the first; but he was assured by a person, named Castles, that he should be paid. On this he printed the bills, and his apprentice disposed of some of them, and Watson took away about 25 or 30 of them, on (as he believes) the 28th, being a Thursday. He recollects no particular conversation he had with Watson, though it is very probable they might talk about general politics, though he is not certain that even this was the case. For the last bills he was never paid, but he received the full charge of the first, from various individuals, and gave Castles a receipt for it.

Cross-examined by Mr. Copley.—

Do you know, Sir, what became of the last manuscript you were furnished with?—I cannot say; at present my impression is, that it was lost some time ago.

By whom, sir, were you furnished with that manuscript?—I am at a loss to say by whom; but it was by one of the gentlemen who came with Mr. Preston. I read it over, as I generally do, when I get any such manuscripts.

Did you read it audibly?—O, yes, sir; any body in my room might have heard me read it.

Do you, sir, mean to say, that Watson heard it?—I think he unquestionably must.

Do you swear he heard you read it?—I can only say, I believe he heard me, for I cannot say more; as though one may read never so loud, a person in the room may turn a deaf ear if he pleases.

I ask you, sir, will you swear he heard you?—I can swear no more than I did, viz. that I believe he must have heard me.

Justice Abbott.—Your meaning is, that you read so loud, that if he chose, any one in the place where you read might have heard you?—Yes, my lord.

Lord Ellenborough.—Really it is impossible for any body to say more than this witness has done; for, in truth, if he was to swear that the prisoner heard him, it would be impossible for any one who heard him to believe him. No man could be credited who would say so; and I think he has just said what he should say. But, witness, let me repeat the question: Is it your intention now to swear, that you believe that this person, Mr. Watson, might have heard you, as you read so loud?—Without doubt, my Lord.

Mr. Copley again cross-examined the witness.—Never was before the Grand Jury; but was examined, on Saturday week, in the Stone-buildings, where Mr. Litchfield's chambers are; and two days after this examination, he was subpœnaed.

[Here the copy of the hand-bill, issued from the Carlisle public-house, signed by John Dyall, chairman; and Thomas Preston, secretary, was read.]

Witness again examined by Mr. Topping.—Thinks he might have returned the manuscript of the bills, to those who came for the bills.

JOHN CRISP *sworn.*

Examined by Mr. Wetherell, on an objection.—You are, I believe, in the list described as John Crisp, grocer, in No. 3, Tyler's-Court, Wardour-street?—Yes; I am, sir.

Mr. Wetherell was bound, in justice to his client and the public, to object to this witness being examined, on the ground of the description of him being wrong. By the Statute of Queen Anne, ch. 21, sec. 11, it was enacted, that the names, professions, and places of residence of all the witnesses should be fully and accurately described. This was not, however, in the case before the Court, because the witness was described as "*lately residing* in No. 3, Tyler's-court, Wardour-street," which certainly was by no means an accurate description.—The terms of the Act had been by no means complied with, because it was obvious to every man of common sense, that the terms "lately abiding" had no definition whatever, but might as well be understood to imply a day, or month, or year, as any other time. The objection which he thus urged was not one merely of form, though, even on that ground, it might be urged, but it was urged on a ground which certainly rendered it most valuable to a prisoner. The great object of the Act was, to give the prisoner, who was placed in the same situation as his client, every opportunity of making the

most satisfactory inquiries respecting the character and conduct of the persons who were to bear witness against him. But the provisions of the Act were equally important in another point of view, because, if it was competent to describe one witness in that manner, why not describe every one? In this case the error was of a serious nature, as the whole 260 witnesses might have been described in the same way, and then what must have been the situation of his client? These grounds, therefore, induced him to object decidedly to the witness.

Lord Ellenborough—You say, Mr. Attorney-General, that the witness lived there lately. I should think it is material to know whether he lives there still, or where he went to reside.

Mr. Gurney then examined the witness, who deposed, that he left this residence at least three months before the 5th of May (the day the list was served,) in consequence of his affairs being embarrassed, and he resided at Mill-wall, and then at Chelsea.

On a question from Lord Ellenborough, witness said he had not left any account of the place where he went to, in Tyler's-court, as this would not have suited the reasons which induced him to quit that residence. He saw his name in the public papers, and this led him to go to Bow-street, and intimate he would attend.

Mr. Serjeant Copley—Then, my Lord, from what has been said, this witness cannot, I submit, be examined unless it is now to be alleged, that the provisions of the Act of Queen Anne were to be merely formal, and not substantial for protecting parties in this serious situation.

Lord Ellenborough—As you, Mr. Attorney-General, have no evidence of any future inquiry made after the service of this notice, as I understand, (the *Attorney-General*, "My Lord we have none,") then, of course, this objection of Mr. Wetherell must be sustained.

The rest of the Judges assented to this.

GEORGE LEWIS *sworn*.

He was a hackney-coach-driver, went to Spa-Fields on the 15th of November, with three men, one on the box and two inside of his coach, but who were not the prisoners, at least as he believes; and he went up to the Merlin's Cave, from which a flag was afterwards displayed. The Rev. Mr. Parkes spoke from the top of the coach, and when Mr. Hunt came he spoke from a chariot first, and then from the window, exhorting the people to be quiet. Witness's coach was much injured by being dragged by the populace against a brick-wall, and meantime the persons inside went off. Went to a hotel in Bouverie-street, where Mr. Hunt was along with four men, one of the four was rather young than otherwise; one said his name was Hooper. Does not know one of the prisoners at the bar, or can identify them.

No cross-examination followed.

JOHN MONKHOUSE *sworn*.

Examined by Mr. Richardson—He is the landlord of the Merlin's Cave public-house. His deposition was to the following effect:—He remembered the meeting of the 15th November. Before the coach arrived, many persons came on foot. He particularly recognized Mr. Preston and Mr. Dyall, who, accompanied by others, went into the front-room, one pair of stairs; they called for pen and ink, and continued writing a considerable time; they remained till Mr. Hunt came. Mr. Hunt first addressed the people from a coach; he afterwards came into the house, and forced his way up stairs. He (the witness) endeavoured to stop him, but in vain; he said he would go up, and accordingly did so. The beadings of the window were then taken out, and the windows themselves removed. He did not know the person of Watson, sen. On the 2d of December he only saw Hunt, Clarke, and Dyall. He did not see Preston.

Cross-examined by Mr. Wetherell—He did not approve of Mr. Hunt's speaking from his window; he did not hear the whole of the speech, only a part of it. The general nature of it was, according to his recollection, to exhort the people to seek a redress of their grievances. He did not recollect Mr. Hunt saying, that the charity which was offered to the poor, was an insult to them; he was not attending to his speech sufficiently to give an accurate account of it; he told Mr. Hunt that he should not come again, for he would not suffer his window to be cut out for any body; he went to Mr. Hunt upon the subject at the Old Hummums, in Covent-garden—

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[The witness was desired to state what passed between him and Mr. Hunt on that occasion, but the Attorney-General objected to any questions being put, except what related to the transactions that occurred on the 15th November.]

The witness then went on to state, in answer to the interrogatories put to him, that a flag was displayed on the 15th November; he did not recollect the inscription upon it, but it was so placed that any person might see it; the flag was of different colours; he did not know whether the person who carried it was one of those who forced their way into the room along with Mr. Hunt; neither did he know whether the said person was Castles. There was a Magistrate in the house on the 15th of November, after Mr. Hunt began his speech. Mr. Hunt had been speaking for some time when the Magistrate arrived, who was Mr. Rainsford, one of the Magistrates of Hatton-garden; from the situation of Mr. Rainsford he could not avoid hearing Mr. Hunt's speech. He could not say whether the flag was where the Magistrate could see it; it was hung out of the window; there were some police officers also in the house, and a great many constables; he (the witness) employed several, for fear of accidents that might occur. Mr. Hunt's speech was greatly applauded by the populace, who, he supposed, might amount to about 20,000.

MR. J. FITZPATRICK, *sworn*.

He was at the Spafields Meeting on the 15th November; he knows both the Old and the Young Watson; they were both there, as well as Preston; Preston was in the room, before the proceedings of the day commenced; he was accompanied by a man of the name of Dyall, who had a great many papers in his hands. Watson, sen. was there when Mr. Hunt came into the room. He recollected Mr. Hunt moving an adjournment of the meeting to the first day of the assembling of Parliament. Young Watson then came forward, and moved an adjournment to that day fortnight. The adjournment was afterwards fixed for Monday fortnight, viz. the 2d of December. Preston observed that it was a glorious day, for there were upwards of 100,000 of his countrymen in the field.

Upon his cross-examination he said, he was next to Watson at the time. There were many other persons who came into the room along with Mr. Hunt; he did not observe that Watson, sen. interfered for the purpose of preventing an adjournment when proposed by his son. He did not believe any interruption of any kind was made by the Elder Watson, when Young Watson went forward to make the motion.

VINCENT GEORGE DOWLING *sworn*.

Examined by the Attorney-General.—Witness was at the Spa-fields meeting on the 15th of Nov.

Here Lord Ellenborough observed, that he wished it to be distinctly understood, that, during the course of this trial, no part of the proceedings should be published. This was the order of the Court, and he expected it to be obeyed.

Examination continued.—Witness saw a flag at the meeting, which was exhibited from the window of the Merlin's Cave. It was a tri-coloured flag, formed of green, white, and red ribands, with an inscription on it. Some of the words were, Justice, Humanity, and Truth. Mr. Hunt proposed an adjournment to the first day of the meeting of Parliament. The younger Watson proposed as an amendment, that it should be Monday fortnight. The crowd was there from one o'clock till near five. Witness saw advertisements, which announced the intended meeting.

Mr. Sergeant Copley observed, that the manuscript from which the bills was printed had not been produced. He submitted, therefore, that the printed copies could not be given in evidence. Even where a copy had been taken off by a machine, it had been held, that it did not dispense with the necessity of producing the original.

Lord Ellenborough said, it had been proved that Watson took away twenty-five copies of one impression.

Mr. Sergeant Copley.—The original manuscript was left with the printer, who gives no account of the loss of it. If these are all duplicates, they are only duplicate copies. The rule of law is not at all altered by their being taken off by machinery. If the Crown had given the prisoner notice to produce the printed copy he took away, and he did not produce it, then they might offer this in evidence.

Mr. Justice Abbott.—I am of opinion that this paper is now to be read in evidence. A meeting was holden at

Spa-fields on the 2d of December, and then, in order to shew that Mr. Watson knew the placard had been printed, the printer is proved to have delivered 25 copies of it into his hands.

Mr. Justice Holroyd. I am of the same opinion. Watson took away 25 copies, and, therefore, he knew the contents of the placard.

Lord Ellenborough. Nothing can be clearer to my mind. In order to prove the contents of a particular newspaper, you prove that the party took in that paper, and then you put in another newspaper of the same date.

The printed paper was then read. It commenced in these words: "England expects every man to do his duty," and was signed by Dyall and Preston.

Mr. Dowling's examination continued. Witness saw similar placards on the walls. He went to the Spafields meeting on the 2d of December, about eleven o'clock. He saw a tri-coloured flag, and another, with the inscription —"The brave soldiers are our friends— treat them kindly." Some of the persons assembled wore tri-coloured cockades. The centre of attraction seemed to be a waggon, into which several people ascended. There was considerable confusion. After some time the prisoner, Watson, mounted the waggon, and waved his hand for silence. Young Watson and Hooper were in the waggon, and, subsequently, he saw Preston in it.

Mr. Wetherell. Does your Lordship think that the speech, which is stated to have been made on this occasion, ought not to have been set out in the indictment? It is charged against the prisoner as an overt act, and I apprehend that it ought to have been set forth, at least in substance.

Lord Ellenborough. Was there ever an instance in which the whole of letters or speeches were set out?

Mr. Serjeant Copley. I think, my Lord, that Francia's case. (6 St. Tri. 73-7.) is a complete authority for us. It was there laid down, that although it is not necessary to set forth the letters themselves of a treasonable correspondence, yet the substance and intent of them should be stated. In the case of Coleman (2 St. Tr. 461.) and in the case of Lord Preston (4 St. Tr 411.) the substance and purport of the letters were set forth. In Staley's case, (2 St. Tr. 655.) the words were spoken in French, and the import of them stated in Latin. My Lord, I rely on those cases to shew that the substance, at least, of words and writings, should be set forth in the indictment.

Lord Ellenborough. Was there any instance in the trials of Hardy and Horne Tooke of speeches or writings having been set forth?

Mr. Justice Abbot. No. Speeches at Sheffield and Birmingham were then given in evidence, without having been set out in the indictment. They were only charged generally.

Mr. Wetherell. By the 36th of the King it is made treason to levy war, in order to make the King change his measures. Now we should know what those changes were which these speeches went to effect. The question then is, whether, where the overt act is to compel the King to change his measures, you should not set out the substance, if not the words, of the speech. As, for instance, that the mob called on the King to repeal certain taxes, to reform the Parliament, or any other matter. I undertake to say, that no man ever saw such an indictment as this in the Crown-office. We do not know to what the evidence is to go. If the *corpus* of the treason consists of a demand made on the King, and the demand is to be carried into execution by force, how can we know what the overt act is, unless the substance of the speech is set out in the record?

Mr. Serjeant Copley. I do not object to what is stated with reference to young Watson. The substance is there given. He leapt out of the waggon and said follow me. Here the substance is set out, but not so in the case of the prisoner at the bar. The substance is not there stated, but it is generally ascertained, that certain speeches were made, but the substance is withheld.

Lord Ellenborough. It appears to me, that it is enough to make the allegation generally.

Mr. Justice Bayly. The case of the King and Francia establishes the rule, which warrants us in admitting this evidence.

Mr. Justice Abbot. The overt act is laid here with as much certainty as on former occasions, where books were admitted to be read as evidence.

Mr. Justice Holroyd. I think that the overt act is sufficiently stated; but, even if this were not the fact, there are

s
evidence except acts of conspiracy against the king in every other count of the indictment.

Mr. Serjeant Copley. My lords, one of your lordships has cited the case of Francia in support of this indictment; but I beg leave humbly to submit, that in that very case the substance of the letters was set forth. Here the charge is general, that the prisoner made several treasonable speeches; but I must be in your lordship's judgment whether they can produce any particular paper which is stated to be an overt act itself, and is not laid in the indictment. The law, I apprehend, says, that nothing shall be given in evidence but what is expressly laid in the indictment. Now if this be allowed of under such a general charge, to prove such a fact, which is not laid particularly in the indictment, then all the security of the law will be eluded. They who are concerned for the king ought to specify in the indictment the overt act they will go upon.

Lord Ellenborough. It is an universal rule of evidence, that what the party says may be given in evidence. Whatever comes from the mouth of man may be proved as coming from him, as evidence of his intention.

The objection of the learned counsel was then over-ruled.

Witness produced his short-hand note taken on the spot, which he said was as correct as he could possibly take it under the circumstances: he admitted that he might be mistaken in a word, from the inconveniencies to which he was exposed in the crowd; he had made a transcript, which he handed to the court, reading the speech of the prisoner from his original notes. When the elder Watson had concluded, as the witness thought rather abruptly, and as if he had been interrupted, Watson, jun. came forward and harangued the multitude. Of this speech the witness also read the note he had taken, which was as accurate as his situation in the mob would allow. When Watson, jun. had concluded, he jumped down from the waggon, seizing one of the tri-coloured flags, and went out of the field at the head of the mob: all who were in the waggon left it at the same moment. The witness did not particularly notice whether the elder Watson jumped down at that time: as far as he observed all who were in the waggon followed young Watson. He believed that Hooper and the younger Watson had tri-coloured cockades in their hats, but as to the latter he was not certain. He thought that the flag young Watson took into his hand was the larger one: the witness followed the crowd towards Coppice-row; at the corner of Coppice-row he saw Mr. Stafford, chief clerk of Bow-street office, who endeavoured, with other assistance, to impede the progress of the crowd: he thought that at that time the flag had changed hands, and was in custody of a man in a sailor's jacket. The crowd rushed on down Coppice-row, but the witness saw the elder Watson standing at the corner, near a public-house: the witness went back to inform the magistrates, on hearing exclamations from the crowd, of "Come to the Tower," or "to the Lord Mayor." He saw one man with a short sword, and another, as he believed, with a pistol, or something like one. The witness returned to a house beyond the Merlin's Cave, and afterwards went into the city to see what was doing there. After returning from the crowd, which went down Coppice-row, the witness saw the elder Watson with another part of the crowd, going the same way as the former division, but not with the same rapidity. The witness afterwards went to the Minories, passing Mr. Beckwith's house in Skinner-street, which was much demolished. He came up with the mob in the Minories; he found Mr. Brandon's and Mr. Ray's houses partially demolished: they were gunsmiths. In the front of the shop of the former he saw some muskets and pikes piled, and a long gun that looked like a duck-gun. He met the mob coming up the Minories, some armed and others unarmed: they had guns, swords, pistols, dirks, and other weapons, with

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Trials for High Treason!!

FAIRBURN'S EDITION.

No. 7.

Evidence for the Crown continued.

a small brass piece of ordnance upon wheels: it was drawn by two sailors, part of the mob: some were charging their pieces, and some were discharging them in the air. He continued with the mob until the arrival of the horse-guards, in about ten minutes; some were crying, but he could not tell who, "To Spa-fields." He returned to Spa-fields after the dispersion of the mob by the horse-guards; and when he arrived there, he found still a numerous meeting assembled.

Cross-examined.—He denied that he had applied to Government for any employment, or that any place had been promised him; he had been promised to be paid as a short-hand writer, and he certainly had said that he expected to be rewarded as a short-hand writer: he also expected to be paid for his labour. He had spoken to persons generally that he expected to be remunerated for the trouble he had had, but he could not swear to the precise words he had used, he had never applied for any particular employment, nor had been promised any. He expected more than mere payment per folio for his notes as a short-hand writer, for he had done other things. By reward he meant pecuniary remuneration. He had received no directions to go to Spa-fields on November 15, from any body; it was left to his discretion; he had been for some years engaged with the *Observer* and other public newspapers, and he went on the day in question to perform his duty as a reporter. He had received no orders from any magistrate or police-office to attend. When he arrived on the field on the 2d of December, he was requested by Mr. Gurney's clerk, Mr. Green, the short-hand writer, to assist him in taking a note of the speeches in the field. When he had transcribed his note of what passed, he gave it to Mr. Becket, one of the under secretaries of state.

Lord Ellenborough doubted whether the witness could be called upon to disclose such matters.

Mr. Wetherell was aware that the objection had been taken in Mr. Tooke's trial, with regard to the disclosure of the name of an informer, but he apprehended that it had not been ever carried so far as his lordship imagined.

Mr. Justice Abbott thought the objection taken by his lordship to the evidence good; and referred to a manuscript note of Mr. H. Tooke's case in point. This note was made by him before the printed trials were published, and his lordship had since added a reference to the printed trial. The note was general, that witnesses were not compellable to disclose the names of members of government, to whom they had made private communications.

Mr. Wetherell admitted, that he could not call the officer of government; but he contended, that he might at least ask as to any communications made by the witness to a magistrate.

Cross-examination continued.—The witness communicated his note to Mr. Becket on the ensuing morning.

Lord Ellenborough again interposed, and objected to going into such particulars: the affairs of government could never be safe if witnesses could be required to make such disclosures.

Mr. Justice Abbott read another passage from the printed trial of Mr. H. Tooke, in which it had been held that private communications to the members of government were not evidence.

Cross-examination continued.—The account he had given to Mr. Becket was a rough, and not so correct a transcript of his notes as that he had to-day produced; it had been written for a newspaper. He did not send his note of what passed in Spafields to Mr. Hone's publication. He believed that the words on the flags were, "The brave soldiers are our *friends*:" but it might be "*brothers*." While the speaking

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Marchant, Printer, Ingram-Court, Fen church-Street.

was going on in Spafields, the crowd was attentive and quiet: the speeches of the Watsons must have been delivered before half-past twelve. The witness did not hear any body else. Many persons saw him taking his notes: he stood in front of the waggon, about ten or twelve yards from it: in the intermediate space was the crowd. He knew the persons of a number of police-officers, but could not say that any of them were near the waggon. He did not see Mr. Stafford, of Bow-street, until after the speeches had been concluded. The struggle for the flag, in which he engaged, was at the end of Coppice-row. The witness had communicated with Mr. Baker the magistrate.

Lord Ellenborough was inclined to think that the communication, even to a magistrate, was not evidence.

Cross-examination continued.—In a house two or three doors beyond the Merlin's cave were stationed Mr. Baker and two or three other magistrates. The speeches of the Watsons were made some hundred yards from Merlin's Cave. The witness did not see any soldiers about at the time. He did not know whether any Magistrates were in attendance at Spafields prison. He believed that the colours of the tri-coloured flag were white, green, and red; he was sure that green was one of the colours; and he was certain it was not the French tri-coloured ensign. He had not gone to the Tower; he had not taken any short-hand note of the speech delivered there, when the Tower was said to have been summoned. He went to the end of the Minories, and saw Tower-hill and the Tower. It was in the Minories that the people fired their pistols, &c. in the air. He had been examined before the Grand Jury at Hicks's-hall, but he did not know on what day. He had read there his note of the speeches of the Watsons.

The Solicitor-General objected to any inquiry into what had passed before the Grand Jury.

Lord Ellenborough felt considerable doubt upon this point, as he recollected a case in which a Grand Juryman was called to contradict a witness. Many gentlemen at the bar had, however, questioned the propriety of the proceeding.

Cross-examination continued.—He could not recollect whether he had or had not been examined upon the trial of Hooper at the Old Bailey. Being pressed upon this point, that it was very extraordinary he should have forgotten, he said that on one of the trials he had not been examined, but he could not tell exactly which it was; he could not state with certainty; he rather thought that he was not examined on the trial of Simmons, and that he did give evidence against Hooper. He was anxious to have been called upon the trial where he was omitted, because Mr. Justice Park had observed, with respect to the former trial in which he had been a witness, that he did not know who Mr. Dowling was. The witness was desirous of being called that he might have stated to the Court what was his business, and that he was at Spa Fields for the purposes of his business.

Re-examined, he said that a considerable portion of the mob did not follow the Watsons from Spafields, but remained round the Merlin's Cave.

As the witness was quitting the box, he addressed the Court on the subject of the order given respecting the publication of the trial. He said, that prior to the promulgation of the directions of the Court, he feared that the *Observer* newspaper, to which he belonged, had unfortunately printed and circulated a considerable number of copies of the speech of the Attorney-General.

Lord Ellenborough. What has happened cannot be avoided; but the order of the Court must be attended to strictly in future.

Mr. Justice Abbott. The same directions were given on Hardy's trial, I believe.

Lord Ellenborough. The Court does not by any means pronounce that this publication is not a contempt. I think it is; but, at the same time, we cannot help what has happened, as the witness observes, through ignorance.

Mr. Wetherell asked Mr. Dowling what part of the trial had been printed? The Attorney-General's speech, he supposed. What part had Mr. Dowling written of it?

Mr. Dowling answered that he had written no part of it; he was not in Court at that time, but he believed that the Attorney-General's speech was given.

Mr. Wetherell. I take the liberty of applying to the Court, in order that these papers may not go out to the pub-

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lic, and that this gentleman may be directed to suppress them. They may be prepared for the press, but they cannot be published by this time.

Mr. Justice Bayly. I fear from what has been said, that it is too late; and that some of them have gone out by the post.

Lord Ellenborough. The Court has warned such as publish any part of the proceedings before it is concluded, that they will incur the penalties of a contempt. It may have happened in this particular instance, but it must not be repeated.

Mr. Wetherell added, that if the Attorney-General's speech were printed in the paper with which Mr. Dowling was connected to-morrow he would apply to the Court on the ground of a contempt.

The Attorney-General remarked, that such observations were quite irregular. He desired it to be distinctly understood, that he had not at all countenanced the publication of any part of the proceedings on the part of the Crown.

The Court then adjourned till next day.

SECOND DAY.

TUESDAY, JUNE 10.

The prisoners were brought into Court about half-past eight, having been conveyed from the Tower, as yesterday, in the custody of the warders, escorted by a body of the life-guards.

Their Lordships took their seats precisely at 9 o'clock.

Mr. Wetherell addressed their Lordships, and observed, that notwithstanding the order promulgated yesterday, respecting the publication of the trial, a full account of the Attorney-General's speech had been printed and circulated in the *Observer*. He was the last man to suppose that the editor of any newspaper would be wilfully guilty of a contravention of the directions of their lordships; and, as he imagined that the publication in question had originated in mistake or ignorance, he should not submit any motion to the Court upon the subject: he presumed that even Mr. Dowling, the reporter, and who seemed rather more of a partisan than a witness, did not mean to disobey.

Lord Ellenborough interposed. If no motion was proposed to be submitted, the Court at present had nothing to do with the publication: if an application for an attachment were made, the Court would readily attend to it.

Mr. Wetherell added, that the *Observer* was the paper with which the witness, Mr. Dowling, was concerned.

Mr. Justice Abbott reminded Mr. Wetherell, that towards the close of the proceedings of yesterday, Mr. Dowling stated that he had taken no note, and had reported no part of the speech of the Attorney-General.

Lord Ellenborough remarked, that this conversation was irregular, as no motion was before the Court.

The Attorney-General said, that if any person had wilfully contravened the order of the Court, that no part of the trial should be published until the whole was concluded, he would be the first man in the country to stand forward to enforce the law for the punishment of the offender.

Lord Ellenborough. The Court will entertain any motion upon the subject: but if none be submitted, other business must be entered upon.

CHARLES SHEARMAN, *junior*, *sworn*.

Examined by the Solicitor-General. —I recollect being in Church-street, Bethnal-green, on the 2d of December, at about 12 o'clock in the day; many persons were in the street with a tri-coloured flag, and some wore cockades. They were going towards Shoreditch, and I followed them until they arrived in Spafields. The flag was then placed in a waggon; some person was speaking, but I do not know who it was. One of those who spoke from the waggon I had seen at Bethnal-green, near the flag, was a young man; and towards the conclusion of his speech, he asked the populace, if he jumped down would they follow him: the answer was, "yes, yes." The young man jumped out of the waggon, and went away, followed by the mob with a flag. In the waggon I saw two flags and a frame with white canvas, on which were some words, but I did not exactly see what. I do not know what direction the people took who followed the young man from the waggon.

Cross-examined by Mr. Wetherell. I was about a dozen yards from the waggon, but I could hear no other part of the young man's speech but the offer to jump down; before that, I might have stood near the waggon five or ten

minutes. I do not know whether I was there at the beginning of the speech; there was a great deal of talking, hussaing, and other noises, so that I could not hear well. I listened as well as I could, but I could only hear the offer to jump down; there was a great pushing and jostling among the crowd; I then went to another part of the field, where the people were standing expecting to hear Mr. Hunt. While the speaking was going on, there were several persons in the waggon; the crowd was very great, and the people kept coming and going, and moving about in various directions.

Examined by the Court. Only one person spoke while I was in the field, to the best of my knowledge. When the words "Shall I jump down" were used, I do not know if more persons than the speaker left the waggon. A great many people followed the young man; but, whether any of them came out of the waggon, I cannot tell. I did not observe afterwards if the waggon was empty.

CHARLES SHEARMAN, *senior, sworn.*

Examined by Mr. Topping. I live at Mile-end new-town, and remember the meeting in Spafields, in December. I was examined by Mr. Gifford, before Christmas; but, as my hearing is defective, I may perhaps have mistaken some things, but I will speak the truth and nothing else. On the day of the second meeting in Spafields, I was in Bethnal-green road at about 10 o'clock in the morning; a number of persons were assembled, who had a flag in their possession. The colours of it were red, white, and, I believe, green: it was fastened to a pole. I do not know who carried it: one or two of the persons had cockades in their hats; I did not notice the colours of them. The crowd was proceeding towards Shoreditch. I followed it; they went from Shoreditch to Spafields. I know the Merlin's Cave. I saw a waggon in Spafields, and a great number of people; the flag from Bethnal-green was placed on the waggon, where people were standing. A person spoke from the waggon, but I heard only a very few words; the speaker appeared to be a young man; I think he had a cockade in his hat. I remember he spoke some words rather loud: he asked the persons if they liked to be fed on ox-bone beef-soup—if they would put up with it? The people said, "no, they would not." This answer was given by the persons round the waggon: there was another word used, but I have forgotten what it was. He then asked the people, if he jumped or got down from the waggon, and went first, would they follow him? The answer was "Yes." The young man got down and went from the waggon, followed by a great many persons: they went out of the field towards the prison. I did not follow them, and do not know where they went to.

Cross-examined by Mr. Serjeant Copley. I was in the field when the speaker first got up. I was going to hear what Mr. Hunt was to say, and I followed the flag, not knowing my direct way to Spafields. I came upon the flag by accident. As I had but little to do, I took a walk that way. I was not very near the waggon. I cannot say at what distance. What became of the crowd with the flag I do not know. When the flag from Bethnal-green arrived, there were persons in the waggon. The young man began to speak a few minutes afterwards: in the mean time I did not hear any other person speak. Owing to my deafness, and the noise in the crowd, I could not hear distinctly what was said. I was examined by Mr. Gifford before Christmas-day, but how much before I cannot recollect. I was never examined before a grand jury: I was only examined by Mr. Gifford and Mr. Litchfield. I stayed to hear Mr. Hunt's speech. There was a great crowd. I did not see any flag out of the window then. I was at two of the meetings at Spafields. At the first meeting there was a three-coloured flag hanging out of the window from which Mr. Hunt spoke. I was in the house but not in the room. I heard something about another meeting on that day six weeks: that was as I understood. I paid what attention I could, just the same as I did at the second meeting afterwards. My memory is rather feeble. Resolutions were put to the vote. Hunt asked the people about Mr. Burdett and the petition. Mr. Hunt put the motion of adjournment to the vote, to the best of my recollection. I did not know the exact way to Spafields, though I had been there before to attend the former meeting. In going the first time I went a long way round. The second time, as the flag was going, I went with it, be-

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cause I did not know the direct way. I returned from the first meeting with some friends, who showed me the way, but I did not know my direct way when I went the second time. I saw my son following the flag near Bethnal-green.

Re-examined. After the speaking in the waggon, the flag was taken away, but what became of it I do not know: it went with the crowd.

Mr. Topping asked the witness if the young man did not speak very loud; but *Mr. Serjeant Copley* objected to the question, on the ground that the witness had not said that the young man spoke genera ly very loudly, but some words in a loud tone of voice.

Mr. Topping appealed to the notes taken by the Court, and it appeared on examination of them, that the witness had stated that the young man "spoke some words rather loud."

Mr. Serjeant Copley begged that Mr. Topping would not pursue this course of setting the most important rules of evidence at defiance.

Mr. Topping remonstrated against the use of such expressions, and *Mr. Serjeant Copley* apologized to the Court.

To a question from the Court, the witness said, that he knew there was to be a meeting at Spafields before he saw the flag.

Mr JOHN STAFFORD,

Chief Clerk of Bow-street, *sworn.*

On the 2d of December last, a great concourse of people had assembled in Spafields. I knew that there was to be a meeting by large and small placards I had seen on the walls in considerable numbers. I had been at the former meeting on the 15th of November. Then Mr. Hunt and others addressed the populace from the window of a public-house, called the Merlin's Cave. I saw a flag displayed close to the house: it was of three colours—green, white, and red—a large flag upon a pole. I could not make out the whole inscription on that day. I saw "Nature,"—"Justice,"—"Truth," and some other words in smaller letters. I could not exactly distinguish. I did not hear the motion of adjournment. On the 2d of December a great many police-officers were in attendance. I expected that the business would begin at about one o'clock, and at the Merlin's Cave. I arrived there at about half-past twelve. I found great numbers of persons collected—thousands. In the lower part of the field next to the chapel and Coppice-row, there was a great concourse of persons round a waggon, from which the horses had been taken. There were a great many persons in it. Two flags were in the waggon: one of them I had seen at the preceding meeting, and I took down the words exactly.

Lord Ellenborough observed, that it might be as well here to produce the flag itself.

Mr. Hobler, clerk of the Lord Mayor's Court, who had the flag in his custody, was sent for, and he produced it.

Mr. Gurney, for the prosecution, undertook to identify the flag afterwards to the Jury. The flag was here exhibited. The inscription was "Nature to feed the hungry,—Truth to protect the oppressed,—and Justice to punish crimes."

Examination of Mr. Stafford continued. There was another flag in the waggon of the same colours, but without any inscription. There was a banner in the centre between the two flags. A young man was addressing the populace, and Watson senior stood close to him—rather behind. He thought that round the waggon there were some thousands of persons. I heard (the witness added) many words of the young man's speech, but I made no memorandums: he spoke loud, and the mob cheered frequently: the speech seemed to consist chiefly of interrogatories; the mob gave answers with "no, no," and "yes, yes," with buzzing. I then quitted the spot, and proceeded towards Coppice-row, leaving the young man speaking. Shortly afterwards I heard a greater noise than usual proceeding from that spot—I was about 50 or 60 yards off, and I turned my head, and saw all in the act of jumping down from the waggon; the flags and the banner were removed from the waggon. The mob moved towards the corner of Coppice-row; the flags went in the same direction as the torrent of the mob. A small part of the populace preceded the flags: when the flags approached me I looked round for assistance, but saw none; and I rushed forward and seized the flag whithout an inscription. I endeavoured to break the pole, but I was unable; I, however, got the flag under my feet, and then Limbrick, the officer, came to my aid—I struggled some time, but at last the flag was

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rescued, a small slip of the green remaining in my hand. At the instant I was driven from the flag, I saw Limbrick contending with a man who had the frame. I jumped upon the frame and broke a part of it, which I used as a weapon of defence; the witness produced the part of the frame he had seized. Limbrick pulled out the inscription, and another officer took the rest of the frame. The struggle continued a short time, and obstructed the mob a little, but afterwards they rushed on in a direct line towards Skinner-street.

Mr. Gurney observed, that he did not now intend to proceed further with Mr. Stafford's examination on this part of the case; he should re-call him hereafter.

Cross-examined by Mr. Wetherell.—The flag produced in court is similar to that exhibited in Spafields. I cannot say that it is the same. I did not hear Mr. Hunt propose the adjournment on the 15th of November. I think I saw people taking out the window of the Merlin's Cave. I did not go into the house, but I saw some magistrates in the field. On the 2d December I believe all the officers of the police offices were in attendance; there was a general order for the attendance of all the officers of Bow-street; 70 or 80 might be there; the order was to attend at ten or eleven o'clock in Spafields. I did not get there until half-past twelve, and I was induced to go by seeing the flag cross Clerkenwell-green. There are seven police-offices besides Bow-street, and I believe that officers from all attended on the 2d of December. I was not present at any meeting of the magistrates of the different police offices, at which it was ordered that the officers should be in the neighbourhood of Spafields. There was no particular meeting of the magistrates of Bow-street for that purpose.

The Attorney-General objected to the inquiry, as unimportant to the cause.

Mr. Wetherell explained that his object was to prove that the meeting of December 2d was perfectly well known to government and to the magistrates; he only required the witness to state facts; what use he should make of them was a question which Mr. Attorney-General could not decide.

Lord Ellenborough admitted that the witness might be required to state what the magistrates had ordered and done, though he could not enter into the particulars of any conversations.

Cross-examination continued.—I did not go to the top of the hill in Spafields, to see if there were any military near: I saw none, nor do I know, as a fact, that any troops were ordered to be in readiness in the vicinity; I gave no direction regarding them; I saw Mr. Baker, the magistrate, in the field, and, I believe, Sir N. Conant and Mr. Hicks; I asked Mr. Baker if such things were to be suffered while the speaking was going on from the waggon. I do not know that a room had been taken for the magistrates, near the Merlin's Cave, or elsewhere; I have heard so since. There were a good many constables about Spafields; after the mob had gone down Coppice-row I returned to Bow-street. I was not examined at Hicks's-hall, nor on Hooper's trial at the Old Bailey. I knew of the meeting of the 2d December two or three days before it took place, by means of the hand-bills. The order for the attendance of the officers of Bow-street was given on Saturday, November 30. Sir N. Conant is chief magistrate of Bow-street; he is considered, I believe, the first police magistrate of the metropolis; he usually communicates with the office of the Secretary of State; he has a room there; he was generally the organ of all directions from the Secretary of State to the police. No general orders were given for the attendance of the police on the 2d December.

Mr. Gurney objected to pursuing this inquiry; the object must have been completely answered.

Mr. Wetherell contended, that the overt acts charged in the indictment were materially connected with the publicity of the meeting; this publicity he was now ascertaining.

Lord Ellenborough. Can you have better evidence of the publicity than that which states the number of placards exhibited on the walls?

Mr. Wetherell admitted, that that was a part, but not all he wished to know.

Lord Ellenborough. The fact of the meeting was disclosed to every person who read the placard.

Mr. Justice Abbott. And you also find that some tens of thousands of persons assembled in consequence.

Mr. Stafford added, that he received no injury, though one man, he believed,

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Hooper, aimed a blow at him. One of the flags and the banner were taken or destroyed in my presence.

One of the Jury asked Mr. Stafford why he did not seize or attempt to seize the flag he saw at the first meeting. He replied he did not consider himself authorised to interfere on that occasion. It was a very numerous meeting, but, every thing proceeded quietly—not like the meeting of the 2d of December, in which there were indications of riot, or rather he might say insurrection.

JOHN LIMBRICK, police-officer of Hatton-Garden, *sworn*.

He stated, that he was in Spa-fields on the 2d of December last; he was at the Cobham-head public-house, in Coppice-row: he saw a waggon near that row. It was there before he arrived in the field, and he approached towards it; this was about 11 o'clock. There was a great number of persons in and upon the waggon, and also a great number around it; perhaps from 2 to 800. There was likewise a great number of persons at Merlin's-Cave. He heard persons speaking in the waggon, but could not distinguish the words. He saw the prisoner Watson in the waggon, and thinks he was speaking, but could not be certain. He was not near enough to hear any words, but he was moving his hand in the manner of a person speaking. He saw the banner, which was carried by a person in a sailor's dress: this person was Cashman; the banner was on the end of a pole, and he turned it round slowly. There was also a tri-coloured flag, with an inscription, which was held by another in sailor's clothes: there was besides another smaller tri-coloured flag, but it had no inscription on it. After having seen the waggon as above described, the witness went to the Cobham's Head, where he remained about three quarters of an hour. He heard a noise; on coming out of the house soon after 12 o'clock, saw a great number of persons advancing towards Coppice-row; among them he observed Mr. Stafford, of the Bow-street Office, who had hold of a pole, and was struggling with some person. He went to his assistance, and got down a small tri-coloured flag. He next went to the banner, and succeeded with others in getting it down also: there was a struggle in doing this; but when he got possession of the standard or banner, he ripped it out of the frame. He was not struck, but heard cries from the mob of knock him down, cut his b——y head, &c. (The banner was here produced.) It appeared to be a piece of white calico, and had on it this inscription in red letters,—"The soldiers are our brothers, treat them kindly." He saw Hooper at this time in Coppice-row; he was coming from the field, and was in front of the procession, and appeared very busy in the struggling. The mob went off in three directions; some returned to the field; others went down by the prison towards Gray's Inn-lane; but the principal body went towards Smithfield: the coloured flag with the inscription on it was quite back among the mob; and he believed it went to Smithfield, but was not certain. He saw Preston in the waggon.

Cross-examined by Mr. Serjeant Copley. The witness was stationed at the Cobham-head, about 50 yards from the waggon. He was desired to go there by Mr. Rainsford, the magistrate. He saw persons speaking at the time; he went towards the waggon. In about a quarter of an hour he went back to the Cobham's Head, and it was after 12 o'clock when he came out again, and saw the mob coming along Coppice-row. Though he had seen flags in the waggon, and saw persons making gestures as if speaking, he never went to any magistrate to inform him of these circumstances, though there were magistrates on the spot. He could not say whether any person besides himself assisted Mr. Stafford. For ought he knows he and Mr. Stafford alone succeeded in getting possession of the flag. He did not know whether, if there had been half a dozen men as resolute as himself and Mr. Stafford, they could have dispersed this mob. When he saw Mr. Stafford struggling with the mob, he did not wait, but went immediately to his assistance.

Then in fact you and Mr. Stafford, without any assistance whatever, took the flag from the mob?

Court. You put it different from what he stated. He said, that on seeing Stafford engaged he went to assist him.

Mr. Serjeant Copley. Well then, you saw the danger which Mr. Stafford was in, and you went to help him; can you say that any other person assisted him?—I did not see any body else help him.

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Now I wish to know whether, in your opinion, half a dozen men as resolute as yourself and Mr. Stafford could not have dispersed the mob?

The Attorney-General objected to this question, on the ground that the opinion of the witness was no evidence.

Mr. Serjeant Copley submitted, that the answer would be evidence of the witness's impression at the time.

The Court sustained the objection of the Attorney-general.

Mr. Serjeant Copley. I shall leave it then to the jury to draw their conclusion from what has been stated by the witness.

The cross-examination then proceeded.—The witness had been examined as to the facts, soon after the events took place, before Mr. Litchfield, the solicitor of the Treasury; he had also been lately examined before the Grand Jury; he was also examined at the Old Bailey when Hooper was tried; he swore there what he has now sworn. At the Old Bailey he produced the same banner which had been that day exhibited in Court. The flag with the inscription was not produced at the Old Bailey in his presence; he had not been at Whitehall on the morning of the 2d of December.

One of the Jury. How near were you to the waggon when you supposed you heard Mr. Watson speaking?—About eighteen yards from it. The noise was so great I could not hear any thing, and I do not know with certainty that he did speak.

EDWARD GOODSPEED,
Constable, *sworn.*

Examined by the Attorney-General.—He was in Spafields on the 2d of December, about 11 o'clock in the morning; he saw a waggon there, in which were Preston, Hooper, and Watson the elder. These were the persons he knew, but there were many others. He afterwards saw Hooper with a tri-coloured cockade in Coppice-row. He was along with the crowd which came out of the waggon and the field. He saw some colours taken away by Mr. Stafford, of Bow-street. At the time the colours were taken he saw Hooper, who was very near the flag, but did not see him do anything. In the struggle he saw Limbrick, who was knocked down, but he did not know by whom, or how it happened.

Cross-examined by Mr. Wetherell.—The witness attended at Spafields, in his character of Constable of St. Andrew's parish, Holborn, by order of the Sheriff of Middlesex. He received the order through the medium of the High Constable. He saw four constables of his division present. The whole number belonging to the division was seven, and the other three might be there for ought he knew. The precept was issued on the Saturday preceding the meeting, and they were all ordered to attend at 10 o'clock on the morning of the Monday. They were ordered to assemble at the House of Correction. He stood there on the outside of the door until the names were called over. The witness did not know who called over the the names; the person was a stranger to him. There were a great number of names called over, and the different parishes to which they belonged.

Were the parishes called over alphabetically?

Mr. Gurney objected to this mode of examination. The facts of the attention of the magistrates being drawn to the meeting, and the calling out of the police were admitted; and the repetition of such questions as had been put could only create waste of time.

Mr. Wetherell was not to be told by any counsel, not by the Attorney-General himself, what mode of proceeding on his part was or was not waste of time of the court; that he would hear from their Lordships only. It was his intention to prove the previous publicity of the meeting, that the magistrates had full knowledge of it, and made preparations to meet it. What use he should make of these facts would afterward appear.

The Court intimated an expectation that no unnecessary questions would be put.

Mr. Wetherell would certainly ask no questions which he did not conceive

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Trials for High Treason!!

FAIRBURN'S EDITION.

No. 8.

Evidence for the Crown continued.

to be of importance; and he pledged his credit that he would found, upon this examination, conclusions in law and argument which he should feel it his duty to submit to the consideration of the jury. What the particulars of his ground of defence should be he was not obliged at that time to disclose. In the mean while he trusted that the court would permit him to exercise his discretion.

In answer to further questions on his cross-examination, the witness said—The constables of various parishes were called over, but I do not know how many. I attended only to my own name, to which I answered when called. I was not desired to go to any place in particular, but to be in Spafields: the same orders were given to the other constables. When the mob came past, Mr. Stafford took one of the flags. Limbrick came to assist Mr. Stafford, and I saw him knocked down.

Mr. Limbrick has not said so himself. What do you mean by knocked down? —I believe he was shoved down.

Did you see any blow levelled at him? —No.

After the flag was taken, I went back to the door of the House of Correction, and waited there. No further directions were given by the High Constable. I remained at the prison-door till three in the afternoon, but no rioters were brought in there. The multitude continued at Merlin's cave, in the fields, till six in the evening.

JOHN HUGGINS *sworn, examined by the Attorney-General.*

I am a tide-waiter in the service of his Majesty's customs. I have been in that service for several years, and am now. It is nearly twelve months since I have been on duty. He had an appointment as a tide-waiter. [*Here the witness took his appointment out of his pocket, and handed it over to the bar.*] His examination then proceeded: I was in Spa-fields on the 2d of December. I arrived there about twelve o'clock, and saw a waggon in which was Preston, a great number of other persons, and a flag. I was at the turnpike, about twenty yards from the waggon; I saw several persons leave the waggon and go towards Coppice-row. I saw Mr. Stafford in the mob, and heard him calling for assistance. I saw him holding a flag, and struggling to get it. I saw Hooper at the same time with a tri-coloured cockade; he was near Stafford. I saw Limbrick come up to Mr. Stafford's assistance; he got hold of a man whom Hooper and others rescued. The first time I saw the banner with the inscription, was during the struggling. I saw Limbrick knocked down. I do not know whether he fell in consequence of a blow or in a struggle. After the flag was taken, Hooper and a great many others went down Coppice-row. The number might be about 100. I remained at the Cobham's head until the magistrates went away. The number assembled in Spa-fields after the party went down Coppice-row, was about 4 or 500.

Cross-examined.—I have been about five years a tide-waiter. I am paid according as I am on duty. I went to Spa-fields because I was sworn in a special constable. I have been more than ten times on duty since I was appointed a tide-waiter. I looked attentively at the people who passed along Coppice-row, and say there were not more than 100 after the contest with Mr. Stafford. About 4 or 500 remained in the field, and there was not more at one time in the course of the day than 6 or 700.

In answer to questions from the Jury. —The magistrates I spoke of were at a house three doors from Merlin's Cave. There was Mr. Sellon, Sir N. Conant, Mr. Rainsford, and others. They went there about twelve o'clock. I did not see Mr. Stafford in their presence.

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Marchant, Printer, Ingram-Court, Fenchurch-Street.

MOSS MOSES *sworn.*

Examined by the Solicitor-General.—I was at Coppice-row on the 2d of December, and have in my possession a flag which I took there from a person in a sailor's dress. I seized it at the time Limbrick was struggling with the crowd. [Here the witness produced a tri-coloured flag, green, white, and red. It was dirty and ragged.] The flag has not been constantly in my possession since. It was left in the prison at Coldbath-fields.

Cross-examined. The flag has been two months out of my possession. I put no mark on it, and should not like to swear that this is the identical flag. It was clean when taken, and when left at the prison. If it had been carefully kept for two months, it could not have been worse than when I gave it. When I called for it, at the prison, it was brought to be from the hemp-warehouse, and was in its present state.

Mr. Wetherell observed, that, from Mr. Stafford's drawing of the flag, it appeared of an angular shape, and therefore different from this.

Mr. Stafford was called up again. He produced a piece of a flag which he had torn off in the struggle before described, and which fitted the torn part of this. He had before tried whether it fitted, in the House of Correction. The fragment had been in his possession ever since the day of the meeting.

THOMAS GRAVES *sworn.*

Examined by the Solicitor-General.—In December last I lived at Cow-cross, which is in the way from Coppice-row to Smithfield. On the 2d of December I saw a great mob passing my door. They had colours and were making a noise, but doing no mischief. There were about 6 or 700 persons in the mob. I saw Preston there, whom I had known before. He spoke to me in passing, and told me to take in my things, for "there would be dreadful work, or bloody work." I cannot tell which he said. He went on with the mob, and I never saw him after.

Cross-examined by Mr. Serjeant Copley.—I do not recollect the words spoken by Preston exactly. I was very much flurried at the time. I deal in tables, chairs, and other furniture, and was afraid of my things, as they stood in the street. I had known Preston a long time; he is a shoemaker or cobler; he is usually called a cobler. I was much obliged to him for telling me to take in my things. I would not swear to his words. I can't recollect whether he said dreadful or bloody.

EDWARD HONE *sworn.*

I am journeyman to Mr. William Andrews Beckwith, gun-maker, 58, Skinner-street, Snow-hill. I was in Mr. Beckwith's service on the 2d of December. About twenty minutes after twelve, a gentleman of the name of Platt, who had called on business, was in the act of going, when a person entered with a pistol in his hand. This person was a young man of short stature, about 5 feet 6, thin, and his lips rather prominent; he appeared to be about two or three and twenty. He demanded arms, and held his pistol up three or four times. Mr. Platt turned towards the young man, I do not know whether to ward off the pistol or not, but he raised up his hands, and put them on the young man's shoulders, and said, "My good fellow, consider what you are about." The pistol was at this time down by the side of the young man's thigh, and he fired it before Mr. Platt had concluded his sentence. I saw the lappel of Mr. P.'s coat torn, and the ball proceed in a zig-zag manner. Mr. P. put his hand to his belly, and said, "I am wounded; for God's sake call a surgeon." He also told me not to let the young man go. "No, Sir, said I, he shall not go." Again he said, "Fetch a surgeon." The person who wounded him then threw down his pistol on the bench at which the apprentice works, and said, "I am a surgeon, I will examine the wound." Mr. Platt replied, "No, no, fetch me a surgeon." Several neighbours then came in, and also a police-officer of the name of Worrell, who took charge of the young man. There was then a great number of people, better than 100, about the windows and the door of the shop. I went out and spoke to them, and got the most of them away; but when I returned into the shop again, I saw a mob of three or four hundred persons go past with a stand of colours. After going on some way, they returned, calling out, "This is the shop." I went to the door, and said, "My good fellows, why would you hurt Mr. Beckwith; he wishes well to your cause." There was then a person in the dress of a brewer's servant, with a broom-stick in his hand, near the window, and I was afraid he would break it. The cry of the mob was "We will

have him out." I told them the young man was gone, upon which the mob cried out "Tower-hill!" I raised up my hands and said, "Yes, my boys, Tower-hill!" wishing to get them away. Still they were not satisfied, and I gave them my word that the young man had made his escape down Sea-coal-lane; but he afterwards appeared at the three pair of stairs window in front of the house. The mob then became furious, broke the windows, and rushed in at the door. They took the guns, and demolished nearly all the windows with the butt ends. There was a very great quantity of guns and pistols in the shop and counting-house, all of which they carried off. When they rushed into the shop, I was greatly alarmed, in consequence of the falsity I had been telling them, and I got to the farther end of the east window. Those who came into the shop handed out the guns in dozens at a time, and distributed them to the mob at the door, saying, "Here are arms, my boys!"—They also took powder and shot, and loaded the pieces. I was so greatly alarmed, that if I had not got a drop of spirits, I should have fainted. After I had got some spirits, I returned to the shop, and found it quite demolished. I saw the young man come out with a pistol in each hand. The mob was then cleared away greatly; he joined those who remained at the door, and went with them towards Newgate-street.

Cross-examined by Mr. Serjeant Copley. I was not a witness at the trials in the Old Bailey. John Roberts, Mr. Beckwith's apprentice, was present when the young man came in. Mr. Platt put one hand on each shoulder of the young man very suddenly, and while he was speaking the pistol went off. When he threw down the pistol, and said, I am a surgeon, and will examine the wound, he apparently spoke with great contrition and appeared vexed. He bit his lips, and seemed sorry for what he had done. There were persons following him into the shop when the pistol went off, but they immediately decamped. I shut the street-door. When the mob which passed the shop returned, they did not offer to load any of the guns, though they continued exposed in the windows.

Now was not the calling out "The Tower, my Boys," a manœuvre of your own to get them off? Perhaps, if you recollect yourself, you will find you said the words first?—Oh no, upon my conscience I did not. Though I told the mob the young man was gone, they did not seem satisfied, but still they did not attempt to take any guns: at last somebody observed him at the three pair of stairs window, and then the attack began.

Re-examined. After the young man threw down his pistol, I took it up and gave it to the boy in the shop. This was a few minutes after, and before the shop was broken into.

Mr. RICHARD PLATT *sworn.*

Examined by Mr. Gurney. While I was in Mr. Beckwith's shop, on the 2d of December, a young man rushed in and stamped twice with his foot, crying, "arms! arms! we want arms!" He looked first at Mr. Beckwith's shopman, and then at me. He cocked his pistol and raised it, and was in the act of directing it against my breast, as I supposed. I remarked, from the turn of his hand, the direction it was to take; I, therefore, struck out my left hand, wishing to catch the muzzle. Upon my doing so, he drew back the pistol from me, and then bringing it round to his side, shot me in the belly: the ball entered about four inches from the navel. He ran towards me again, and I, supposing the pistol might be double barrelled, closed with him, and endeavoured to catch at the pistol a second time. I pressed him up in a corner against the bench, and he endeavoured to strike me with the butt end of the pistol. I do not know what became of the pistol at last. I said to him, "You have shot me; why did you shoot me; I am one of you?" I then exclaimed, "Send for a surgeon!" The young man then said, "I am a surgeon myself." He cast his eyes up to the ceiling, and said, "O God! I am a misled young man; I have been to Spa-fields." He then attempted to pass me, and to go to the door. I held my wound with my left hand, and gave him a push on the breast, saying, "I must have you secured." I opened the door with my right hand, entreated assistance, and some persons came in. I then went into the counting-house, and afterwards up stairs; but previously a constable came in, took the young man in charge, searched his pockets, and discovered two lancets. We sat about ten minutes together. While I was up stairs I heard a crash, occasion-

ed by the breaking of the windows, and the rushing in of the mob. I, and others who were there, escaped over a back wall.

Cross-examined by Mr. Wetherell.—When the young man came into the shop I was about two or three feet from the door. I did nothing but try to catch at his pistol, for I saw it through the window as he was entering, and was prepared. I did not, however, attempt to touch him until the pistol was cocked and raised. In trying to catch the pistol my hands went over his shoulders. My right hand, when in the act of striking the pistol, went near his left shoulder. He was a very thin man. There was no attempt on my part to wrestle or drive him back, but only to get hold of the pistol. When he spoke, after he had wounded me, he appeared sorry for the event. He said O my God, I am a deluded young man—I am a surgeon. He appeared to speak with sincerity, but I did not think he was sincere, because he became calm immediately after, and wished to slip away. I went up stairs and had got a surgeon to examine my wound. I was there about 15 minutes, when I heard the crash occasioned by the mob breaking in.

JOHN ROBERTS *sworn.*

Examined by Mr. Richardson.—I am an apprentice to Mr. Beckwith; saw a young man come into the shop on the 2d of December last; heard a pistol fired, saw it thrown down on the table, took it up, gave it to some one that was in the shop, cannot say who it was, that person gave it to Worrell the constable, witness never saw it since. The young man was taken up stairs by Mr. Worrell. He was in the shop when the windows were broken and arms taken. Arms and ammunition were taken. He saw the young man, after he had come down stairs, take a pair of pistols out of a mahogany case and load them. The young man loaded them at his side with powder and ball. There were balls in the mahogany case. Witness said to him—"My boys, we have got plenty of ammunition and arms, we'll be off." The young man said not a word, but went off, looked on his left hand, and proceeded towards Newgate-street. He never saw him after that. The mob, after plundering the shop, were nearly gone when the young man went away. The mob took away arms, and went towards Newgate-street. Witness took up two lancets on the Wednesday morning afterwards, when sweeping the shop; he found them on the edge of the floor-cloth, and delivered them to Mr. Beckwith. One of them had the name of Watson scratched on it.

Cross-examined by Mr. Serjeant Copley. He was not before examined by the Lord Mayor. Mr. Beveridge, the surgeon, came into the shop two minutes after the shot was fired. It was on Wednesday, he believed, that he took up the lancets. He took up the pistols immediately. He was looking about the shop when the young man came in. Witness did not look at Mr. Platt; he gave the pistol to some one; he knows not to whom. He did not look at or think much about Mr. Platt. He said only to the young man, "my boys, &c." and then the young man went away.

WILLIAM ANDREWS BECKWITH *sworn.*

Examined by the Attorney-General. He received the lancets on the second or third morning after the rioters had destroyed his premises; looked at them, examined them, and, with the help of a magnifying glass, discovered the name of Watson. He had not that glass with him, nor the lancets; he left them at home in his desk. He could not tell the number of arms taken away. The amount was nearly £1,400 or £1,500. He never counted the list of arms taken away. He conjectured about 30 or 40 guns, and double that number of pistols. This was considerably within the number. One or two swords or hangers, powder and shot, powder flasks and belts, were also taken away.

[Here Mr. Beckwith was sent home for the lancets and magnifying glass, and list of arms taken.]

GEORGE HAZLEWOOD WORRELL *sworn.*

Examined by the Attorney-General. Was a constable in the month of December last. He was, on the morning of the 2d, in Mr. Beckwith's shop, in Skinner-street. He had been sent for. He found a great number of gentlemen in the shop. There were 16 or 17 in the shop and counting-house. There was a young man committed to his charge, whom he took into custody. He laid hold of him by the cuff of the coat, in order to take him to the Compter. He searched him, and found

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papers in his pockets. There were several papers. He believed that some of the papers (shown to witness) were the same: he had not marked them at the time or for some days after. They were out of his possession. He afterwards gave them to Wontner, the head Marshal.

Examined by the Court. He believed that some of the papers shown were those papers: he did not take them into his possession immediately: he laid them on a stool at the window: the mob threw every thing into confusion: he went up stairs with Wontner: he went then to the Lord Mayor: he went again back for the papers, and found papers similar to those he had left lying in the place where he had put them down; this was two hours after he had laid them there: he found them as close to the stool as if they had slipped off: he believed all the papers handed to him, except the cover, consisting of half a dozen, were some of those papers.

By the Attorney-General. The pistol now handed to him was delivered to him while searching the young man. He kept it for a day or two, and marked it, before he gave it to Wontner; he knew it by the mark at the mouth: he found the key he now held while searching the young man: he saw none enter the shop, but heard a very great noise.

Cross-examined by Mr. Wetherell. He was about two hours absent from the shop, and on his return found the papers and the key; they were similar to those he had taken from the person of the young man; he unlocked the young man's room-door by the key. In answer to a question from the Court, he believed the house was in Hart or Hyde-street; thinks Hyde-street, Bloomsbury-square, but was not positive as to the number. One of the name of Hogg, a constable, went with him to the house. He did not know the name, but he knew the person of the landlord.

Cross-examination continued. The papers were a day or two out of his possession before he marked them. it was at the Secretary of State's office he marked them: the only thing he noticed about the key was its size and shape.

Examined by the Court. The keys and papers were found on the person of the young man; he afterwards went to the Lord Mayor; when he returned, the best part of the papers were away. He knows Roberts, believes he was in the shop, but does not know whether it was he gave him the pistol. After he left the shop he hid the pistol in his own house. After he had been at the Secretary-of State's office he went to his own room with Mr. Wontner, and marked the pistol.

By the Attorney General. The man brought into Court, Zaccheus Bannister, was the landlord of the house where the key found opened the door; that was the person. He was present when the door was unlocked.

Mr. Wetherell submitted to the Court that the papers were not identified.

Lord Ellenborough said they were not in evidence yet.

Examined by Mr. Wetherell. Witness stated, the same evening of the 2d of December, to the Lord Mayor, that he had those papers.

SIR JAMES SHAW *sworn.*

Examined by the Solicitor General. I do recollect the 2d of December last. I was at the Royal Exchange, about half past twelve. I saw the first appearance of the mob in Cornhill; the Lord Mayor was with me, and we went immediately in pursuit of them. I saw them at the Royal Exchange. Seeing the head of their column (if I may use that expression) at Sweeting's Lane, the Lord Mayor and I thought it best to take them in front on the other side. This we accomplished, by intercepting them in Threadneedle-street. The Lord Mayor and myself determined on putting an end to this mobbing. I saw several persons who appeared to me to be ringleaders, and a flag of three colours upon a very long pole. I perceived no arms; the reason might be, that, conceiving the seizing of the colours the most likely means of dispersing the mob, my mind was employed upon that. I did seize the flag and the pole; the flag produced in Court I have every reason to believe to be it. I put it into a place of security, delivering it with the prisoners to the master at Lloyd's. I think there were three inscriptions on the flag: "Nature to feed the hungry," &c.

Mr. Wetherell remarked that those questions were unnecessary, as there was no doubt of the identity.

I heard the report of a gun, and saw one musket taken from a man. After I had returned to the centre of the Exchange I heard two shots. The mob dispersed after the flag was taken. I

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heard two reports of guns fired under the door of the Royal Exchange. The doors had been directed by the Lord Mayor to be shut. Several persons seized were then in the Royal Exchange with them.

Cross-examined by Mr. Copley.—I did not see any effects of the two shots fired, and cannot say whether there was anything more than powder. I went about twelve o'clock to the Mansion-house. Several messengers had then reported that the mob was on its way to the city, and represented them as several thousands; we immediately proceeded to meet them. There were the Lord Mayor, and myself, a Mr. White, a friend of the Lord Mayor's, and two constables. It was earlier than the constables were ordered to attend, and hence they found only three constables at Guildhall when we went thither; we were altogether eight persons, we had no arms: we first saw the mob in Cornhill, they were past the front of the Royal Exchange: I presume there was none of them at that time at the north of the Exchange. We were anxious to get in their front. We went through the south to the north gate, and met the mob between the north gate and the old Stock Exchange proceeding as towards the Bank. When first met, they dispersed; and, for the time made no resistance. Some struggle was made to retain the colours.

Mr. Copley. Did you feel any personal alarm?

Sir James Shaw. No personal alarm was felt by any of the party. Preparations were made to prevent riot previously to the 2d of December; I have no recollection of any thing on the 15th of November. All magistrates knew of the intended meeting on the 2d of December; and all subordinate officers had intimation of it. I saw many hand-bills; this was two or three days before the meeting. Before the gates were re-opened we set off in pursuit of the small remnant of the rioters so far as Leadenhall-street, where an acquaintance told the Lord Mayor, that the rioters were completely dispersed; we then returned. I did not for a minute think they were to attack the Exchange.

By the Solicitor-General. The guns were discharged after the colours were taken, and the mob dispersed.

By Mr. Wetherell. There was none hurt? I saw no trace of a shot. None of the three poles produced was the one seized.

The Attorney-General now proposed to read the papers found on the young man in Beckwith's shop.

Mr. Wetherell objected. It was a point of material importance to the prisoner that these unidentified documents should not be received. The facts stood thus: Worrell left the papers in the shop, gave them afterwards to a third person, and last of all marked them. The Court could never order them to be taken, unaccompanied with any evidence.

Lord Ellenborough. Mr. Attorney-General, have you any farther evidence?

Attorney-General. No.

Mr. Wetherell. The witness had neither read nor marked them. Whether they were put on the stool or on the lid of the window, was not very manifest. They were thrown about. The shop was in the possession of the mob. Neither was the number of the papers, or how long they ultimately remained in Worrell's possession, shown in evidence.

Lord Ellenborough said, that even the identity of the place was not proved. It was said that some day afterwards, they were marked. Unless some evidence could be shewn, they could not be received. There were two periods, it should be recollected, during which they were out of Worrell's possession, before he marked them; first, while they lay in the shop; and again while Warrander had them.

The Attorney-General, since the Court had a doubt upon the subject, would not press the papers.

Lord Ellenborough observed, that, having been so long unmarked, no identification seemed possible.

Mr. Gurney stated here, that three witnesses having had business in the city were not examined in the proposed order; but that, with the permission of the Court, they should be called now.

THOMAS TAYLOR *sworn.*

Examined by Mr. Gurney. I was, on the 2d of December, in Houndsditch, and saw a mob there, going towards the Minories. I saw none of the persons either before or since (having left the box, and taking a nearer view of the prisoners), I saw none of the prisoners: I recollect neither of them. The mob was quick; I saw one

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time person on the foot-pavement looking at the mob, who carried guns; but I cannot say it was Preston.

FRANCIS KENNERSLEY *sworn.*

Examined by Mr. Gurney. I saw a mob in the Minories, on the 2d of December, carrying guns, pistols, and cutlasses, but saw no attack. I was summoned to attend at Guildhall; and, while at the upper end of the Minories, saw the mob at Brander and Potts' (gunsmiths), but cannot say whether they broke into the shop. I saw not the shop then; I saw it and Mr. Rea's afterwards broken. I saw Preston since he has been in custody, and saw the mob in three different places, at three different times. I was on the spot 10 or 20 minutes before the soldiers came. There was great confusion. After the soldiers came the mob dispersed. The soldiers took some arms, and some arms were dropt. I myself took 30 or 40 pistols, besides guns and cutlasses. I saw one piece of cannon. They left it also. The military remained some time. After the mob dispersed, and threw down their arms, a vast quantity of people remained hissing and shouting, and using degrading language. I saw Preston at that time; fixed my eyes upon him; and judge he perceived me, from my having the staff exposed to view.

Cross-examined by Mr. Wetherell. I was examined at the Lord Mayor's. I cannot say whether Preston had his hands in his breeches pockets, but he held them down by his side, and rather towards his front. This I stated at the Lord Mayor's. I heard him not use any degrading language: I looked at him, and took notice particularly of him, because he behaved so quietly. I live in Houndsditch, and was going to Guildhall; heard a great noise, and asked the cause; heard that a mob was going down the Minories with fire-arms, and saw them at the bottom of that street, but cannot say what they were doing. As soon as the soldiers came, the mob dispersed, and threw down their arms. I heard such hisses as mobs commonly use, and much degrading language as "damn, curse, &c." I heard other mobs use language as scurrilous. I stated Preston's behaviour at the Lord Mayor's. (By the Court.)—This was about two o'clock. The shops were shut before he saw the mob.

JOHN HALL, Esq. *sworn.*

Examined by Mr. Richardson.—I am a merchant in London, and Sheriff of Essex; live in the Circus of the Minories: saw the mob on the 2d of December. Having heard of the approach of the mob, I went to Mr. Rea's shop, which I assisted in shutting, in consequence of the affray at Mr. Brandwith's. While I was so occupied, the mob arrived at Brander and Potts'. I advised them to shut up the shop as the mob made their appearance. They attacked the window-shutters and doors of the shop with pickaxes and butt-ends of muskets. I saw one of the mob make his way in through an aperture effected above the door, a fan-light. In the mean time the shutters were broken away. I saw them remove arms, guns, and swords from the shop, and give them out to the populace. Those on the outside were loading and firing off into the air a kind of *feu de joie*. I proceeded to the Tower for assistance, which was refused. I then returned to the Minories, and placed myself near Rea's, to which the mob had at that time arrived, with the view of marking some of those who might be the heads of the mob. They had already broken the front window, and attacked Mr. Houston's door, over Rea's shop, and made a passage through. They were a long time beating at the door, for it made a great resistance. It might be at least ten minutes before it was broken through. They placed a brass field-piece opposite to the door, I presume with a view to break it open, it appeared loaded up to the brim, as I judged, from something like wadding seen hanging at the mouth of it. I, in consequence, withdrew; but still took a view of them. They rushed into the house when broken open, and plundered it in the same way as Brander's, and delivered arms and other plunder to those without, by the door in front and the window behind. I saw none of the persons since, but yesterday in Court the features of Thistlewood struck me as those of one whom I observed very remarkable and active in the mob. The only doubt on my mind arises from the whiskers and eye-brows, which appeared of a lighter colour than Thistlewood's. I have no doubt as to the rest of the countenance. In the mob he wore a great coat, closely buttoned; I have

no recollection of what colour, for I marked features, not dress. He had no weapon. I saw none of the other prisoners. When the soldiers came the mob dispersed; only a few stragglers remained. They delivered to him their arms, when demanded, muskets, sabres, &c. without resistance; this was before the soldiers appeared.

Cross-examined by Mr. Copley. I never saw Thistlewood since December, but did describe him, and such as he now appears, except as to the whiskers. Though there was confusion, my attention was given to one object. I knew him to be a prisoner when I saw him yesterday here. There was no disposition on the part of any of the mob to do personal violence. Their object was to obtain arms, and to fire into the air in commemoration of the victory of having obtained them. They did not know the use of them. They took clothes at Rea's. When I saw them at Brander's, I offered, if others accompanied me, to disarm them; their numbers were so contemptible 20 would have disarmed them. At Rea's a greater proportion of the description of idle persons joined them. Many gave up their arms; they did not use them; they seemed to have no specific use for them. The idlers and stragglers went off toward Aldgate, in the direction *from* the Tower. I applied for assistance at the Tower, and was refused, because the officer had no orders to that purpose. I had a difficulty to get in at the wicket, and did not go so far as the drawbridge. I told the officer of the guard what was going on, and asked a file of twenty soldiers. It was my opinion that force would be sufficient. I had neither before nor after seen any appearance of the mob at the Tower. On my return there were three or four hundred persons at Rea's shop. I saw several drunken women with sabres, waving them in the air and shouting. I saw no attempt to attack the Tower. My situation was such that I might have heard if there had been any, but I heard no attack upon the Tower.

By Mr. Richardson. The mob arrived in the Minories with guns. There were 15 of 16 at Brander's with guns. Stragglers delivered up their arms. Many threw them about the streets. I had not before seen Thistlewood. His features struck me yesterday; his eyebrows are darker than I then thought.

Lord Ellenborough. You were marking the leaders. Did you not conceive there was danger since you were doing so?—I did think that the burglary committing endangered the lives of the subjects.

Lord Ellenborough. Since you applied at the Tower did you not apprehend danger? — Certainly, my Lord, such as I have stated.

[Here Mr. Beckwith re-appeared with lancets, &c.]

W. A. BECKWITH *re-examined by the Attorney-General.* — I received these lancets from my apprentice, and they have been in my custody ever since. I did not think it necessary to mark them, because they were never out of my sight, except in my desk. No person marked them since I had them. Watson is scratched on the inside of the handle of one of them which he saw. The list of arms taken away is not quite correct, but all mentioned in it were either taken away or destroyed. There were 40 guns, I conjecture, and 70 or 80 pair of pistols.

Cross-examined by Mr. Wetherell. The lancets were not produced at the Old Bailey, upon the trial of Hooper.

Mr. BRANDER *sworn.*

Examined by the Attorney-General. On the 2d of December, about a quarter past one, the rioters arrived before my house, but I could not see them. The number is 17, on the left hand side; the shop opens to the street. All the shop was then shut, as at twelve o'clock at night, in consequence of hearing what had taken place. They stopt at the front, and I heard them say, "This is the house," and they knocked and rung three times. They said if I did not open it they would break it open. I heard a noise, and firing of guns up into the air. They then began hammering at the shutters with pole-axes, that is, instruments with a spike at the one end, and blade at the other. They cut them

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Trials for High Treason!!

FAIRBURN'S EDITION.

No. 9.

Evidence for the Crown continued.

through, and a young lad came in over the door by the fan-light, having broken the glass. He asked arms. He received a sword and a pistol from without, I can't tell from whom. Mr. Potts, the other partner, was with me, and the lad stood over against Potts with the pistol presented to his breast, and a cutlass in the other hand. The young lad came through the fan-light, he presented a pistol to Potts, and the knocking increased. They at length broke open the shutters. I kept the key of my door in my pocket, and pretended they had driven it away from the door by their knocking. About 20 persons came into the shop, and threw out arms. They took 30 or 40 guns, 40 or 50 pair of pistols, and a great many swords of different sorts, dirks, &c. The number of swords, I think more likely to have been above three dozen. They took 4lbs of powder which lay in the window.

Cross-examined by Mr. Wetherell. I deal in powder, that is, exporting powder. They took a great many bullets, 200 cwt. of bullets and small shot. I did not look out; I had not time to go to the upper parts of the house. After the young lad had got in, they began beating at the door and windows more than before; the lad himself did not go out. They were there about 25 minutes. They had arms, and fired them into the air on their arrival. They did no harm to any one, and offered no violence. There was no firing at a human being, or at a living creature rational or irrational. Whenever they got arms they did no violence. From a dozen to fifteen guns were fired at different times before my shop. It was obvious that they knew not the use of arms, for they loaded them up to the muzzle with bits of stone and knee-buckles. When my journeyman demanded them they delivered them up. I saw no force there.

Mr. Wetherell. You are a good-humoured man; were you in a good humour with the rioters?—I was.

Mr. Wetherell. You are not apt to be out of temper; did you keep your temper while this was going on?—I am sometimes out of temper, but I kept my temper then, as I saw no likelihood of any useful resistance. I sent a boy over the wall for a score of men. One half dozen red coats would have done. I did not look, as I had no occasion to look, how the Power stood. I had ladies in my house. (By the Attorney-general.)—I sent for 20 men. (By Lord Ellenborough.)—I did not feel a serious alarm, but a very great injury. There were none of his men in the house at the time, as they had gone to dinner. It was a quarter or half-past one, or a quarter or twenty minutes to two, then.

The Attorney-General. You represented the scene as a scene of good humour. What cause did you conceive there to be for arms?—What they were to do with them I know not in a scene of good humour.

Mr. Wetherell. It was *not* represented as a scene of good humour.

The Attorney-General. I am in the recollection of the Court, that I asked the witness if he *bore* it with good humour.

Lord Ellenborough. You had better make no observations on one another's questions.

Mr. Wetherell. The Attorney-General's was a gross misrepresentation: I again put myself on the recollection of the Court that I used no such question.

The Attorney-General. I cannot endure such rude attacks.

Mr. Wetherell. You have attacked rudely, and I will meet rudeness with rudeness.

The Attorney-General. Whether those observations are made as personal attacks upon me, or for the sake of the Court or those present, I will resist it,

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Marchant, Printer, Ingram-Court, Fenchurch-Street.

and say that the charge of gross misrepresentation is totally unfounded.

Mr. Wetherell. If you will not bear it, do not entitle yourself to it.

(In answer to questions from the Bench, the witness said) I sent the boy through a narrow passage: the reason was, that the door was shut. A very few on the outside would make all who had entered the house prisoners.

Mr. RAE *sworn. Examined by the Attorney-General.*

On the 2d of December he saw the people in the Minories shutting up their shops. Several persons were on the opposite side of the way at Mr. Bander's, taking away guns. With the assistance of his servants, witness fastened up his premises. Soon after, the mob came, and broke open his shop, and stripped it of fowling-pieces, muskets, pistols, pikes, &c. to a considerable amount. They broke three desks, demolished the parlour-windows, which look into the Circus, and took £7 from one counting-house, and some silver from the other.

Cross-examined by Mr. Serjeant Copley.—Could not say who were the persons that broke in. Many of the arms were thrown into the street, and taken up again. The troops had arrived before he returned. The people then stood gaping about the streets. A police-officer took a gun, which was stolen from his house, to the police-office, together with the man in whose possession it was. A brass carronade, a three-pounder, was also taken from his shop.

Re-examined by the Attorney-General.—Before he returned to his house, the military had arrived. The arms were thrown away prior to his return. The soldiers remained all night, and during the next day.

Cross-examined by Mr. Serjeant Copley.—A number of persons also remained who were not soldiers. They kept walking about, but did not commit any act of violence.

Mr. Justice Bayly.—Did you lose any powder or shot.—I lost about 3cwt. of small shot, and one pound of powder. The shot was scattered about in the street.

JOHN MIDDLETON *sworn. Examined by Mr. Topham.*

On the 2d of December last, he saw a number of persons pass his house, and go to Mr. Beckwith's. They were about two or three hundred; but many of them were only women and children who followed; he saw Hooper there, who wore a cockade in his hat: it was formed of two of three narrow ribands of different colours. A flag was carried by the mob, with an inscription in gold letters: himself and partner went up into the balcony. The mob stationed themselves for three or four minutes before his house. Hooper had either a stick or sword in his hand, and appeared to have the direction of the mob: he waved the stick several times, and pointed to Mr. Beckwith's house; when there was a great shout, and the mob went to Beckwith's. After the windows of Mr. Beckwith's house were broken, and the guns were taken away, the mob passed witness's house, and went down Newgate-street, discharging their pieces in a very disorderly way.

Cross-examined by Mr. Wetherell.—Saw Hooper point to Mr. Beckwith's with a stick. There were several persons then at Mr. Beckwith's, and the shout was made before Hooper went to them. Heard a shot fired before Hooper went, when they began to demolish the windows. Would not swear positively that Hooper had the flag: had given this evidence against Hooper and others at the Old Bailey.

EDWARD WHITE *sworn. Examined by the Attorney-General.*

He was at the Mansion-House on the 2d December, when intelligence was brought to the Lord Mayor that a mob was coming from Aldersgate-street, and he immediately proceeded with his Lordship and Sir J. Shaw through some back streets in order to meet the mob. Having, however, learned in Lad-lane, that the mob had passed through Cheapside, he returned with the Lord Mayor and Sir J. Shaw to Princes-street, where he first saw the mob. The number was considerable. They passed the Royal Exchange, and suddenly turned into Sweeting's Alley, which leads to the back of the Exchange. He passed through the body of the Exchange with the Lord Mayor and Sir J. Shaw, who rushed into the mob, and seized the flag, together with the person bearing it, who was taken into the Exchange in order to guard against any rescue. Witness wrenched a double barrelled gun from one person himself; this person bent his head and got away. There were a great many arms among the crowd, principally fowling-pieces. There were

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two or three pieces fired at the time he seized the man. He did not see who fired. While the Lord Mayor and witness were shutting the Exchange gates, pieces were fired under them between their legs. The muzzles were put underneath, and the contents, whatever they were, passed between their feet. He saw no person secured. It being thought necessary by the Lord Mayor to call in the military, witness volunteered to go for them, as no city officer was present except a Marshalman who would have been remarked by the mob, and discovered to be an officer by his dress. When he returned with the light horse all was quiet.

Cross-examined by Mr. Serjeant Copley. He found the military in Gray's Inn-lane at the Barracks, and obtained 50 of them. As he had no credentials he had some difficulty in getting them, but there happened to be a gentleman present who knew him. Lord Sidmouth had informed the Lord Mayor that there would be parties of the Foot Guards and the Light Horse at his disposal if the peace was disturbed. He was informed there would be a party in Worship-street, but finding none there he took horse and galloped to Gray's Inn-lane.

When you, in company with Sir James Shaw and the Lord Mayor, seized the man with the flag was there any resistance?—There was none except from the man with the double-barrelled gun, whose collar I seized. He said we should not take the man with the flag.

When you took this man with the gun, he made no resistance?—He struggled to get away.

There was nothing like a general attack upon you?—Certainly not. I do not believe there would have been time if it had been intended. When he went out of the Exchange he passed through the South door, the North one being shut. He went through Finch-lane and came round and found the mob where he had left them. There was a man on horseback at the head of the mob. He took some steps towards him for the purpose of ascertaining whether he was a leader, and to seize him if he was; but as he thought it of more importance to call for the soldiery he passed on. When he returned he rode at the head of the soldiers. There were many people, but nothing alarming—nothing of that kind of rioting that there was before. He had no means of knowing whether the man he saw on horseback near the mob was a leader or no. He was turning his horse and speaking to them, and it had been impressed on his mind that he might have been leading them.—Before the military were sent for the Lord Mayor had asked him whether it was time that the military should be sent for? he answered that as there were fire arms he thought it was.

JOHN HODGETT *sworn.*

Examined by Mr. Topping. He was at the Exchange on the 2d of December, about one o'clock. In the Exchange were about 100 or 150 of the mob.—He had previously been before the Mansion-House where there was a larger body. There were guns and pistols fired there by the mob; he retired thence towards the Bank where he saw the middle man of the prisoners (Hooper) who appeared to be active; he took him by the collar into the Exchange. He took from him two pistols about five minutes afterwards, the butt ends of which he saw between his coat and his waistcoat. He delivered them to the Lord Mayor's officer. [Daniel Cartwright, the Marshalman, was here produced and identified by the witness as the person who received the pistols from him.]—Before he delivered them he ascertained that one of them was loaded with ball. He shook out the ball.

DANIEL CARTWRIGHT *sworn.*

Said that one of the pistols was loaded with three slugs, (which he produced.) He had delivered the pistols to Stephens another officer.

R. STEPHENS *sworn.*

He produced the pistols; they were horse pistols.

MR. HODGETT *cross-examined by Mr. Wetherell.* He stated that Hooper when he was seized by him, made no attempt to draw out either of his pistols to defend himself. Hooper offered no violence when led by witness into the Royal Exchange. He told witness to let him go; that he would not run away. When he saw the mob near the Mansion-house firing guns and pistols, he was not near enough to them to see whether they fired them all in the air. The guns which he saw fired were pointed in the air. He saw none levelled at any body. The reports seemed to be of firing in the air. When Hooper

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treated, it was not on account of any arms being levelled at him. He went to the Mansion-House and gave evidence respecting Hooper; he also gave evidence at the Old Bailey, the same, as far as he could recollect, as he now gave.

RICHARD HAYWOOD *sworn*.

Examined by the Solicitor-General.—He stated, that, as he was going from the Bank towards Newgate-street, he met the mob coming up that street. He went back to the Bank and thence followed the mob to the Minories. He was on Tower-hill when the shops in the Minories were attacked. One of the shops was close to Tower-hill. While he was observing the mob he saw a person coming from them, he had a sword, or cutlass, and a black belt. He had a recollection of the man; he believed him to be the man in the blue jacket (Thistlewood). He had not the same dress at that time; he had a great coat and top boots. He went towards the Tower, and, putting his foot on the railing, and flourishing his sword, he said something to the soldiers inside on the ramparts. He could not recollect the words which were spoken by the man, but the substance was this:—he offered to make the privates Captains and give them double pay if they would join them. The man remained there a short time; witness saw a bustle, by which he concluded the troops were coming. The man put his cutlass under his coat, and went away towards Mark-lane. He had not before observed the man in the crowd.

Cross-examined by Mr. Serjeant Copley.—What are you, Haywood?—A stock-jobber.

Is that really your employment?—Yes.

Have you not something to do with The Courier newspaper?—I was at one time the publisher of that paper, but I have had no hand in it for near three years.

Can you say that you have had nothing to do with it for three years?—I cannot speak exactly to dates; I can swear I have had nothing to do with it for two years.

Have you a brother who is connected with The Courier?—I had a brother who was [illegible]

The Solicitor-General interrupted the examination to ask how it could possibly be relevant to ask what the brother of the witness had to do with the Courier?

Lord Ellenborough said it might not be relevant, but it could not yet be ascertained that it was not.

Cross-examination continued.—What carried you to Tower-hill?—I went from curiosity more than any thing else. I saw the mob first in Newgate-street; I then run to the Bank, and informed them that a mob was coming.—Witness said he had told what he saw pass at the Tower to several persons after, among others to a Mr. Bent, at Stangate. He told him all he had then told in Court. When the man spoke across the ditch, there was no one with him at the time; the mob was at the gunsmith's. He had communicated this circumstance to the Lord Mayor. He had not told it to any magistrate. He had been first sent for by Mr. Litchfield on last Tuesday week, for the first time; he received a note from him with the subpœna.

You went to the Bank to tell them the soldiers were coming, and you did not think it worth while to go to any magistrate, or to the Lord Mayor, or the Solicitor of the Treasury?—No; I mentioned it in casual conversation.

Have you seen any person in Court or in attendance, about whom you mentioned it to?—No.

Had you ever seen the man who spoke from the railings before?—No.

Have you seen him since?—Yes; I saw him on Sunday week in the Tower.

When he went to the Tower witness admitted that he was told he was to see the man whom they suspected was the person who summoned the Tower. He found Thistlewood in a room, in which there was no one except him and the warder, who was, of course, distinguished by his dress. Witness, at the request of Lord Ellenborough, gave the address of Edward Bent, of the Mitre, Stangate, Lambeth, as the person to whom he had communicated what had happened.

THOMAS EDMUNDS *sworn*.

I am a private in the second Coldstream Guards. On Monday, the 2d of December, I was on duty at the Tower. Heard an alarm of the approach of the mob. Observed a person come near the railing: he addressed the soldiers, saying, "Soldiers, open the gates, we will give you a hundred gui-

neas?' Witness had received orders to go to the parade: quitted the ramparts, and heard no more.

Cross-examined by Mr. Wetherell. Was going along that part of the parapet betwixt the two great batteries. There was no one with him, but another man was further on. It was directed not to him in particular, but generally to *Soldiers!* The ditch is fifty yards wide; could not say how much water was in it at that time. About a foot and a half of his person could be seen above the parapet: could not say whether the other soldier could be seen. Whilst the man was making the speech, he (witness) was going on as fast as he could: went to the parade; mentioned what he had heard on arriving at the parade; did not recollect any body coming to the Tower to ask for military assistance.

John Haywood was then called again, and asked by Lord Ellenborough, whether he could recollect any other person, besides Mr. Bent, to whom he had mentioned what he saw and heard? —After a pause, witness said, that he told it to Mr. Ensor, of the Bank of England.

THOMAS DARLINGTON *sworn.*

Examined by Mr. Gurney. I am a private of the second Coldstream Guards. Was on the ramparts of the Tower on the 2d of December last. Heard the alarm of the mob coming: looked towards the Minories, and saw a man against the railing; he said, "Open the gates, soldiers, every man shall have a hundred guineas bounty, and double pay; we do not take the soldiers for our enemies, but our friends; you have been fighting for the rights of your country, and cannot have them." Witness was then going to parade, and heard no more.

Cross-examined by Mr. Serjeant Copley. Edmunds was not with him at that time. Did not take notice who the sentry was. Went into the Tower on the 25th of February last. Captain Beptinck was the adjutant on the parade. Mentioned what he had heard to the non-commissioned officer; the distance was so great, he could not tell who the man was. There was a mob of twenty or thirty boys about the man: saw nobody else; saw none with arms.

Here the proceedings of this day closed. Lord Ellenborough said, that as the business of the term had been suspended by this trial, it would be convenient that the Court should rise at half-past five to-day; and, that a Judge should sit at eight o'clock to-morrow morning for the sake of expediting general matters.

As their Lordships were about to retire, one of the Jury asked, whether they might not have their private friends and servants to see them, in the presence of the proper officer. They would not, of course, presume to speak to any person on the subject of this trial.

Lord Ellenborough said, they might certainly have any part of their family to see them, on matters of business, in the presence of the officer. The Court did not wish, nor did the law require, that their private concerns should be injured by their serving on the jury; but they would carefully abstain from any conversation with reference to the proceedings before the Court.

THIRD DAY.

WEDNESDAY, JUNE 11.

The four prisoners, as yesterday, were brought into Court by the Warders of the Tower, at about a quarter before nine. Their Lordships entered a few minutes after nine o'clock.

CHARLES MIELL *sworn.*

Examined by the Solicitor-General. —I am one of the horse-patrole belonging to Bow-street. On Monday, the 2d of December, I was on duty on the road near Highgate. At about eleven o'clock at night, I saw three men walking towards Finchley; they were then near the church. Two watchmen were standing against the railing. I had before received some information respecting three footpads, which induced me to notice the three men. I turned my horse's head towards them, desiring the watchmen to come with me: they made a stand as if they were confused. I got rather before them, and said to the prisoner, "Gentlemen, I beg your pardon, where are you travelling to?" The prisoner replied, "to Northampton." I said it was a late hour to be travelling so near town, and I supposed they knew I was a horse-patrole. The prisoner took a bundle from under his right arm, and held it up to me. Instead of taking it, I passed my hand into the breast of his coat, and caught hold of the butt-end of a pistol. I drew the pistol out, and told the prisoner if he offered to move I would blow his

brains out. One of the watchmen was close to my horse's heels, and I told him to secure the other two persons. The watchman ran back and sprang his rattle. The other two persons each drew a pistol from their great coat pockets, and one of them pulled the trigger, making an attempt to retreat behind me. Both the pistols were pointed towards me. The pistols did not go off, and then the two ran away. Four or five persons then came out of a public-house, called the Red Lion and Sun, hearing me call out stop thief. I left the prisoner in the custody of two young men, and rode after the other two men about two or three hundred yards, I pulled my horse in, thinking I heard a scuffle, and, returning directly, I found the prisoner, and the two men in whose custody I left him, on the ground. Just as they had come out of the public-house one of the pistols had gone off. I alighted from my horse, and secured the prisoner; I saw something bright in his hand, and one of the men who was struggling with him was trying to wrench the blade of a sword from him.

(The witness here exhibited the stick to the jury.)

I took the prisoner into a public-house, and searching him I found upon him some papers.

[A pistol being put into the hands of the witness, he identified it to be the same he had taken from the prisoner. He also looked at some papers, and said that he had found them upon the prisoner, and had marked them before he parted with the possession of them.)

I asked the prisoner his name, and he said it would be well known at Bow-street; but he did not tell it to me. No more passed at the public-house. I conveyed him to Somers-town watch-house, and on the way he acknowledged that he had been in the city, and at the Spafields meeting. I asked him if he had been at the riot in Skinner-street, and he said no; he had been to East Smithfield, and down to the Tower: this was on the next morning as I was taking him to Bow-street. I examined the pistol, and it was loaded with powder and a ball. The prisoner said that it was very unfortunate that he should have had the pistol in his breast, and that it should have been observed.

Cross-examined by Mr. Serjeant Copley. I apprehended him in consequence of finding the pistol in his breast. I kept him at Somers-town watch-house during the night. When he said it was unfortunate that the pistol was found upon him, I had been telling him that I suspected he was one of the men whom I had heard of in Essex who were footpads; he seemed very strange, as if he did not know what a footpad was; I did not give evidence upon Watson's trial at the Old Bailey, but before the magistrate, [next morning after taking him,] and the grand jury: the magistrate was Sir N. Conant; the prisoner said nothing more than that he had been to East Smithfield, and down to the Tower. No time was mentioned by him whether early or late. I stated this before the magistrate. When I asked him his name he was in custody in the public-house. I asked him again as we went down Highgate-hill; he knew I was going to take him to Bow-street.

The papers taken by the last witness were then put in and read by Mr. *Barlow*, the first was in these words:—

No. 1. Committ. P. S. (meaning Committee of Public Safety.)—Sir F. Burdett, Lord Cochrane, Mr. A. Thistlewood, Mr. J. Watson, Mr. Gale Jones, Major Cartwright, Mr. G. J. Evans, H. Hunt, Esq. Mr. Hardy, Mr. R. O'Connor, and Mr. Blandford."

No. 2. Wsmr. Rd. (meaning Westminster-road.)—Form Divis. collect and meet at Lon. Br. then proceed to the Old Man, (meaning the Tower). Padgn, (meaning Paddington,) to proceed to St. G's. Divis. to barricade each side to Hol. Brs. Branch off to T. B. (meaning Temple-bar.)

No. 3.—No. 1. St. Giles's, B. P. Holborn, (meaning broad part of Holborn,) thence to Chancery-lane.—2. Carey-street, Temp. B.—3. Theobald's-road, Gray's Inn-lane, Elm-street.—4. St. John-street. — Old-street-road.—5. Whitechapel.—6. Tower.—7. Bank.—8. Poultry.

No. 4.—(Letter addressed to Mr. Preston, by Thomas Gilbert, Cock Inn, Wednesday morning:)

MR. PRESTON,

SIR,—Having understood that you want somebody to deliver bills, I shall be glad to do it, and a friend in distress as well as myself would be happy to do it. I shall be happy to have the pleasure of meeting you at the Red Hart, in Shoe-lane, or have the goodness to

call at the Red Hart, to let me know where I shall see you; being very much in distress, and not knowing where to get a shilling for my support. If you will have the goodness to give me a job, I shall esteem it a favour.

I am, Sir, yours respectfully,
Nov. 27, 1816. THOMAS GILBERT.

The documents above stated were handed to the Jury.

JOHN CASTLE *sworn.*

Examined by Mr. Gurney.

After this witness was sworn Mr. Wetherell begged to ask him if he had not had the promise of a pardon on condition that he gave evidence?

Mr. Gurney objected to the question in the present stage, and the court decided that that was matter of cross-examination.

Mr. Gurney then proceeded to interrogate the witness, who stated that he knew Watson, sen. Watson, jun. Thistlewood, Hooper, and Preston, perfectly well. He first became acquainted with Hooper, whom he had known for about two years.

In what month did you first become acquainted with the prisoner Watson?—About three weeks or a month before the first meeting in Spafields: about October. I had seen him before.

At what place had you seen him?—At the Cock in Grafton-street.

Had you frequently before that been at the Cock?—Frequently.

Did any society meet there?—Yes; a society called the Spensonians.

The Spenceans?—The Spenceans or Spensonians.

Did you first see him attending the meetings of that society?—Yes; at one of those meetings.

Had you seen him there before you became acquainted with him?—I had.

What was the first conversation that passed between Watson and you?—He introduced himself to me by saying it would be a very easy matter to upset the government, conditionally it was handled in a proper manner.

Did you also meet him about the time at another house?—He appointed me to meet him the following night at the Mulberry-tree, near Moorfields. I never had been there before.

Did any society meet there?—A society of the same kind as at the Cock.

The same night at the Cock did you see Preston?—I did.

Had you seen him before at any meeting of the Spenceans?—I had.

What did Preston say to you?—He called me down stairs, and wished to meet me at another house where another society was held close to Fleet-market. I forget the house, but he said a society of tradesmen met there.

What answer did you give?—I asked him for what purpose; and he told me he was one of the committee, and that the meeting was for the express purpose of petitioning Parliament to do away with machinery.

Mr. Serjeant Copley suggested, that what Preston said to the witness when Watson was not present, with reference to something not the object of this conspiracy, could not be evidence.

Lord Ellenborough admitted that it might not be evidence to prove the conspiracy, but it was impossible to separate the subject into parts. It might be matter of observation and direction to the Jury.

Mr. Wetherell said, that if these inquiries were allowed, there could be no end to them. The purpose was to introduce the Spenceans for the sake of prejudice.

Lord Ellenborough. We will not get into argument. *(To Mr. Gurney.)* I think you in a legitimate course, and you will proceed.

Did any thing pass between you and Preston respecting the Mulberry-tree?—He asked me to come as Watson had done, and I told him I had promised Watson to do so. Eight o'clock was the hour appointed.

Did you meet them at the Mulberry-tree the next night?—I did.

Were they both present there?—Yes.

Were there any other persons present?—A great many whom I did not know. I only knew the two Watsons, Preston, Hooper, Thistlewood, the two Evans's, and a man named John Harrison. They were there.

After the meeting broke up, with whom did you walk away?—With the elder Watson.

Had he any conversation with you as you walked together?—Yes; the same conversation was renewed, that it was a very easy thing to upset the Government, conditionally it was handled as it ought to be.

What answer did you make?—I asked him, which way; and he said, if

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a few good fellows were got together, it was very easily done; he told me he had drawn out a plan of an instrument to disable the cavalry from interrupting the mob in any way; he said that he had got several persons; they had solicited at different houses whom they could collect together; and that they had got a committee sitting to devise the best plan and the best modes.

What more did he say?—Merely conversation of the same kind. He asked me where I lived.

Where did you live then?—At No. 5, Newton-street, Holborn.

What more passed?—He said he would call the next day morning, and shew me the plan. We had a great deal of conversation, but nothing particular more than I have stated. We parted for that night, but when he called the next day I was not at home, but he came to me on Saturday morning, and I saw him.

Are you a married man?—I am.

When he called on Saturday, did your wife remain at home?—I desired her to go out, and Watson and I were alone for nearly an hour.

What passed at that conversation?—He took out of his pocket several papers; one something of the plan of the Tower; and another, a plan of the machine of which he had before spoken, it appeared to run upon four wheels.

And how to operate?—With scythes or knives at the sides, and with spikes in the middle to prevent cavalry from advancing; it was to be very sharp.

Was it to be trodden upon?—No, it was on wheels.

What height from the ground?—He did not mention the height, but it was to be about as high as a cart or coach wheel.

What more passed?—He wished me to exert myself as much as I could to get all the people I could together.

Did he produce any other drawing?—Yes, several others; one was something about a bridge, and different places of the Tower, different entrances and avenues to it.

Do you remember any drawing of any other place?—There were several, but I did not take particular notice. He asked me how many men I could bring; I said I knew a great many, but I did not know how many would act when put to the test. He begged me to try to get all I could together. I told him I had nothing to depend on but my little business; he replied, "Never mind, we will find something else for you to do; we have got sufficient money for every thing."

Are you by busines a smith?—I am; he said I should do better than my business.

Did you make any appointment to meet?—Yes; the next day, evening,

Did you meet?—I believe we did at the Cock, but I am not certain. I cannot positively say whether it was that night or the next morning, Sunday, that I met the elder Watson at the house of a man of the name of Newton, but we could not have much conversation, as people were there. Coming down Drury-lane, Watson told me that they had got a committee, consisting of five, mentioning Harrison, Preston, Thistlewood, himself, and his son. He said that I should be one of the generals, and head a party of pike-men, which I should hear more about in a few days. He also said, that from that time I might consider myself one of the committee, making the sixth, and that no more would be admitted.

Did you make any other appointment?—I appointed to meet at the Nag's Head, Carnaby-market, where another society of Spenceans was held.

Whom did you meet there?—One John Keans, I believe, the elder Watson, young Watson, Preston, Thistlewood, and the two Evans's: nothing particular passed there. On Tuesday morning, I believe, I met Watson again.

Where did you go to?—We went to Portman-street barracks, and King-street barracks, and across Hyde-park to the small powder-magazine. There was one Skinner with us, whom I had seen once or twice before, but I had had no conversation with him.

Before you went had you had any conversation with the elder Watson as to the object of your going?—Yes, to

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Evidence for the Crown continued.

look at the whole of the avenues, and to see which was the best place to set fire to the barracks.

After you had seen the barracks, did Skinner go home with you, or leave you?—He left us in the Park. Watson said that he had thought he was a much cleverer fellow than he found him. He had intended to make him an officer, but he found he had got no idea whatever; he was not at all calculated for it.

Who did you meet at Newton's?—Watson and his son, but I did not know it was his son till afterwards.

How soon were you introduced to Thistlewood?—Either that day or the day following.

By whom?—By one John Harrison; there were two or three strangers by, I did not know them.

Do you mean Harrison who was one of the committee? I do. We outstayed the strangers and then a conversation took place between me and Thistlewood. Some ale was brought in, and as soon as there was an opportunity, Thistlewood asked me how much and how long it would take to make 100 pikes. I told him it would depend entirely upon the size and length, and whether they were made of iron or steel. He said the length would be nine or ten inches, and he marked out something of it with a pencil. I told him they might come to 4d. or 4½d. per lb.: he wished me to make one for a pattern, and I agreed I would. I told him I had no place to make them, and Harrison replied, that he knew a person who would lend me the use of his forge. I was to meet them at the Cock, in Grafton-street, but we met at Newton's, a public-house at the corner of Broad-court. I was to bring the pike with me to a public-house almost opposite Newton's, kept by one Randal or Rasedale.

Did you go there? I did, and I met the two Watsons, Thistlewood, Hooper, and Harrison: Preston, I believe, was not there. I had got a pike made at the shop of one Bentley, in a cellar in Hart-street, Covent garden. Hooper and Harrison went with me when it was made. I asked Bentley to lend me the use of his forge to make a spike.

What was it you told him? I am not sure whether I told him it was to put round a rabbit-warren or a fish-pond: but something of that kind. I looked out a piece of iron, but he would not let me make it, but made it himself. We then took it to Randal's, where I produced the pike, and Dr. Watson said it was a most famous instrument.

Did Mr. Watson, who is a medical man, go by the name of Dr. Watson? He did.

Did any thing more pass then? Nothing particular: we met in the evening at the Cock, where Dr. Watson wrote with a pencil the names of the committee, who were to meet at No. 9, Greystoke-place.

Did you about that time take a walk to Paddington? I had been there the night before with Thistlewood, among the navigators.

For what purpose? For the purpose of seeing how many men we could get together that were out of employ, and the spirit of them. We went to different public houses, where we found a great many navigators, and treated them with some beer.

Who found the money? Thistlewood. I had seen one of the navigators the night before, who said that they all wished for a good row, and would sooner be killed than starved to death: we went up to Paddington in consequence.

What questions did you put to the navigators? I cannot say exactly: we told them we should want them for a job in a little while. We did not say for

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what, but we asked them, how many men they could collect together in a few hours, and they answered 500 or 600 any morning, so many were out of employ.

After that, did you go to any public house near the theatre? Yes, in Long-acre, which the soldiers attending the theatre use.

How many soldiers did you find there? They kept coming in and out, perhaps eight or ten at one time. Thistlewood gave them half a gallon of beer.

Did he ask them any questions? He asked about their treatment by their officers, and what their pay was. We afterwards went to the Black Lion, in Vinegar-yard, now called Woolburn-street, where were soldiers attending Drury-lane Theatre.

Was any conversation held with them? Something similar to the first. They were treated with a gallon of beer, because there was a Yorkshireman there who spoke rather violently against government.

Can you recollect what was said? Something about their pay and bread, and the numbers discharged without pensions, after fighting so many years for their country.

Before you parted, did you and Thistlewood agree to meet again? Yes, next day: before we parted, he gave me two three-shilling pieces: he gave me directions to go to the different houses, and collect all the people I possibly could.

Next day where did you meet, and whom? At Newton's. There were there Thistlewood, Watson, sen., and Harrison.

What passed? Only to go from one house to another, to collect all we could.

For what purpose, did you go together or divide? Thistlewood and I went to the Fox under the Hill, under the Adelphi.

What kind of men did you find there? A great quantity of coal-heavers, and people who work upon the Thames.

Did Thistlewood or you converse with any of them? We gave them some beer. There might be 10 or 12, or perhaps 20, standing about wanting employ. We said we should perhaps want them; how many could they collect? They said, especially in the morning, 50 or 60 at every avenue of the wharfs. Then I separated from him by his desire, and went to other places to see how many we could get together. If any one was a little more violent than another, we took down his name and address.

Where was your next meeting? It was held at Greystoke-place, precisely at the time we had appointed, which was at eleven o'clock. When I went there, I found the house shut up, but I observed Thistlewood walking about on the other side of the street. He noticed me also, and called me over to him.

What passed?—He said the Doctor, who had the key, had not come yet; that he was always behind his time. In about twenty minutes the elder Watson came, opened the door, and went in.

Did any other persons join you?—Young Watson and Preston came a few minutes after. I had not seen the younger Watson before.

What did you converse about?—We talked about the mode of setting fire to the barracks, and getting all the people we could together.

Did any thing pass at this meeting about pikes?—Yes, I stated that Thistlewood had ordered me to get 250 made.

Who were present at this conversation?—All the committee, except Harrison.

Was any thing said about any plan?—Very little was said respecting the plan, until the Sunday following.

Any thing about the barracks?—We, Watson and I, said we had been to look at the avennes, and had thoroughly inspected both the Portman-street and King-street barracks. Thistlewood and young Watson told me they had been at the barracks before. I said there were six avenues to the King-street barracks, and only two to the Portman-street.

What passed as to the object of your inspecting the avenues?—It was done to get a regular calculation made as to the quantity of combustibles that would be needed to set fire to the barracks.

What passed next?—We appointed a general meeting of the committee for Sunday, to arrange the whole plan; and we met accordingly, all six.

Had you done any thing in the mean time about the pikes?—Yes; I had given orders to Bentley for 250, and had paid him ten shillings in advance. They were to be made off hand, without any delay.

Did any thing pass about the handles

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for the pikes?—Yes; at Reynolds's. Harrison said he knew a place at the back of the King's Bench where he could purchase them. Thistlewood asked how much they would cost, and Harrison said 3d. or 4d. a piece, but that depended upon the length.

On Sunday morning, (Nov. 3) you say you all six met again. Detail what passed.—First, a large box was fetched down stairs for us to sit on.

Had you no chairs?—No; and we had something like a public-house stool for a table. Before we began to converse, all the house was searched to see that there was no body in it who might overhear us. Thistlewood produced a map of London, and the best roads for collecting the men and attacking the barracks were marked out.

Was any arrangement then made?—Yes; every man was appointed to his station.

What do you mean by station?—As generals; the whole committee of six were to be generals, to attack the different barracks. Dr. Watson proposed Thistlewood as general; he and young Watson were to take the two guns in the Artillery-ground in Gray's-inn-lane.

What was Preston to do?—He was to attack the Tower.

And Harrison?—The Artillery-barracks in the Regent's Park.

What had Harrison been?—He had been an Artillery-man: I have heard him say so in the presence of the committee.

What were you to do?—I was to set fire to the King-street barracks; I was to stop there either to take prisoners, or to kill all that might attempt to escape.

What arms were you to have for this purpose?—We were to be armed with pikes and different weapons, such as we could get.

How was the elder Watson to be employed?—To set fire to the Portman-street barracks.

What materials were you to use for setting fire to the barracks?—Pitch, tar, rosin, turpentine, and spirits of wine.

How were you to proceed to accomplish this purpose?—We were to make the different attacks all together at a given hour; one o'clock in the morning. Saturday night was thought a good time, as many people would be in the streets, and many drunk. We were to stop all persons we met, and make them join us to stop all gentlemen's carriages and carts, and take out the horses; to mount the horses and form a cavalry with them; after I had set fire to the King street barracks, and had seen the whole in flames, I was to meet the elder Watson at the top of Oxford-street, and Harrison was to join us with the artillery from the Prince Regent's Park. As soon as he had joined, a volley was to be fired, to let the others know we had got possession of the artillery.

What was to be done with the artillery?—Two pieces were to be taken into the Park to fire on the cavalry, if any of them should attempt to come across.

How were the guns to be protected?—By a party of pikemen, to be left there for that purpose. All the avenues on the way from Portman-street were to be barricaded, to prevent the assembling of any cavalry that might be out at quarters. From Oxford-street we were to go down Park-lane, and barricade the different entrances to the Park. The turnpike-gate at Hyde-park corner was to be barricaded and chained; a party was to be left there to fire on the soldiers if any advanced that way. We were then to proceed down by the way of Charing-cross to Westminster-bridge, and to barricade it to prevent horse coming in that way. When Thistlewood and young Watson had taken the two pieces of artillery in Gray's Inn-lane, they were, in coming along, to attack all oil-shops, gunsmith's shops, and all other shops where they could find either combustibles or arms. They were to blockade all the passages from Gray's Inn-lane to Great St. Giles's. There Thistlewood was to make his grand stand, with the two guns pointed in different directions. Young Watson was to leave him at St. Giles's, and proceed up Oxford-street, barricading the avenues on the right, and then they would have been barricaded on both sides.

You have said, that Preston was to attack the Tower, was there any other arrangement with regard to him?—If he did not succeed in taking the Tower, he was to proceed to London-bridge and barricade it, to prevent the artillery from Woolwich from coming that way. He was then to have barricaded Whitechapel, to prevent any troops entering from the country by that road. When

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be had got a sufficient body of force, he was to attack the Old Lady, meaning the Bank.

That is a cant-term for the Bank?—Yes.

Had you not another cant-name for the Tower?—Yes; the Old Gentleman.

After these arrangements were settled, what was said about the combustibles?—Thistlewood desired Watson to calculate how much they would come to, and what quantity would be requisite for all the different avenues of the King-street barracks and the Portman-street barracks. Watson made his calculation, and said, the expense would be something short of a hundred pounds. He cast it up upon paper; but the paper as usual was destroyed, as soon as he had done with it. Thistlewood said, do not spare for £20, let us *roast* them well. Dr. Watson replied, that it would burn so rapidly, and the stench would be so strong, that it would stifle them all in a few minutes.

Where were the combustibles to be deposited?—Young Watson and I were directed to look out next morning for a house fit to lodge the combustibles in, between King-street barracks and Portman-street barracks, so that there might be a ready communication to each. We were to take the house for an oil and colour shop, in order that there might be no suspicion on putting in the combustibles. Thistlewood said, "Never mind the price of the house; take one at any price, as we never intend to pay for it."

When was the attack to be made on the barracks?—It was to take place on the Saturday night or Sunday morning following, (Saturday the 9th, and Sunday the 10th of November.)

You said you were to go the next morning about the house?—Yes; young Watson as master, and I as his servant. We were to lodge the ingredients in the house, and to get men to bore-holes in wooden handles for fixing the pike-heads in.

Was any thing said about who was to command?—Thistlewood said, the generals must be chosen: Thistlewood was proposed for the first, Watson for the second, and Harrison the third. Watson proposed that I should be the fourth; Preston proposed that young Watson should be the fifth; and that he himself, as he was lame, should be the last, or the sixth.

Was there any thing done about appointing any other committee?—Yes; it was agreed that we should appoint a Committee of Public Safety. Thistlewood proposed that this should be done, in order that there might be a government ready to act after we got the better of the soldiers, or they joined us. The greater part of the names were proposed by the elder Watson and Thistlewood.

Can you recollect any of them?—I remember the following:—Sir Francis Burdett, the Lord Mayor, Lord Cochrane, Mr. Hunt, Major Cartwright, Gale Jones, Squire Fawkes, of Yorkshire, Samuel Brookes, Roger O'Connor, Mr. Thompson, of Holborn-bridge, the two Evans's, Dr. Watson, and Thistlewood.

Was any thing said about a proclamation?—Yes; one was to be issued immediately, when we had got the better, and the new government was established. In the proclamation, rewards were to be offered to the soldiers. They were to be offered 100 guineas each, or double pay for life, if they joined us. Thistlewood desired the elder Watson to calculate how much it would come to, provided the soldiers should choose to accept of the 100 guineas each, rather than the double pay. He did so, and said it would come to about two millions, but that, he said, would be nothing, as the national debt would then be wiped off.

Did Harrison make any observation on this occasion?—He said he was afraid that when they came to call the people together, they would not find so many of them as they expected. Watson said he should not mind; that if he got three or four hundred people together he was determined to act, and would not wait longer than the Saturday night following.

How long did this meeting of the committee continue?—From 11 o'clock in the morning till five or six in the evening. [This was Saturday, the 2d of November.]

What further passed respecting the plan?—Thistlewood also said that he would act next Saturday. It was then settled that we should go to different places to see how many men we thought we could get together, and then to make a report of the number to Thistlewood. We separated for this purpose; and Thistlewood and I went to Paddington, to the same public-house we had

been in before. We found some navigators there, and had the same sort of conversation with them as on the former occasion. They were desired to get as many men together as they could for a job, but we did not tell them what the job was; that was not to be mentioned until the last moment. There was one young man, however, who spoke very violent, and Thistlewood told him to bring arms; any kind of weapon, such as a spike-nail on the end of a stick, or anything that would run into a fellow's guts; that was what he said, begging your pardon. We went to three houses at Paddington; the same three we had been in before. I do not know the names of any of them. One is at the corner of Lisson-street, Lisson-green. Next morning, Monday, I believe we were to meet at Greystoke-place; but both the Watsons and I met first at Raesdale's or Randall's in Long-acre, I don't know which is the name. The elder Watson parted from us, and young Watson and I went to look for a house to lodge the combustibles in. We found an empty house that we thought would answer our purpose, in Seymour-place. It was shewn us by a woman, who referred us to Mr. Cosser, a timber-merchant, who lives not far from Westminster-hall. We proceeded to his house; young Watson went in, and I remained outside. Mr. Cosser told him that about £14 or £15 would be wanted for fixtures. He required a reference, and young Watson referred him to Thistlewood, who lived then in Southampton-buildings. Young Watson and I then went to Greystoke-place, where the whole committee met.—Young Watson reported what he had done. Thistlewood said he would be at home when Mr. Cosser called; but young Watson observed, that he had said he could not call for a day or two. Thistlewood then desired Watson to give him a check for a day or two, and if he would have the money down for the fixtures, draw on him for the amount.

Was anything done at this meeting by Preston?—He made a report of a great number of people he had collected at a meeting at Spitalfields. He wished as many of us as possible to go that evening to the house where this meeting was held. We all six went, and Harrison also, who had not then become one of the committee. We went to a public-house in or near Spitalfields, where we found about sixty or seventy, or more persons assembled; there were more than the room would hold; John Dyall was in the chair. The elder Watson read something to the meeting. It was the form of a petition to be presented to either House of Parliament, or to the Prince Regent: I do not know which. Watson promised to get some copies printed. After this we all returned home together. On our way back Thistlewood said, that he found the only outcry among the people was the want of arms, and that I must get two hundred and fifty more pikes, which would make five hundred in all. Two nights after, we went to Spitalfields again. We went first to a different house from that we had been in before. About five houses were visited and appointed for meetings, where Watson had promised to leave printed petitions for inspection: these petitions were to have been given to Dyall. In the house to which we went first, and which is somewhere between Brick-lane and Smithfield, there was a meeting of about twelve or fourteen persons, and Dyall was in the chair. Here two or three written copies of the petition were given, as they could not be got printed. Dr. Watson employed a person named Crisp for this purpose, who wrote them at the Cock, in Grafton-street. There were only three of the committee in this house; the others were distributed in the other houses. The three were Harrison, I, and Hooper, who had not yet joined the committee. We met Thistlewood again at the house where the first meeting had been. Thistlewood said he was much disappointed at not finding so great a number as he expected. Harrison observed, that the reason was, the people had not money to pay for a pint of beer a-piece. In walking home, Harrison also said, "I knew you would be disappointed about the number; but if you were to keep treating them you would have half Spitalfields with you.

When was your next meeting?—On Friday, the 8th of November, we met at Greystoke-place. Thistlewood then said, Mr. Cosser had called upon him about the house. He did not know whether he would let him have it, but desired young Watson to go down to him immediately, and try to get the key, in order that the ingredients might

be put in it. He also desired young Watson to tell Mr. Cosser to draw a check upon him, at sight or ten days, for the money. On young Watson's return he reported that Mr. Cosser would not let him have the house unless he paid a quarter down, as it was in a new neighbourhood, and he did not think the oil business would succeed there. In consequence of this obstacle they did not proceed in taking the house.

When did you meet again?—On the Sunday after, at Greystoke-place.

Did Harrison make any proposition on that occasion?—Yes; he said to Thistlewood, "I told you that you would be disappointed: now let us try to call a public meeting, and see how many people we can get together then." This was unanimously agreed to, and Spa-fields was suggested as the proper place. Young Watson and Thistlewood went there to look at the ground, and came back and reported that it was a most excellent place for the purpose; that they could go from it to the Tower or the Bank, and take them by surprise. Thistlewood then proposed that something should be drawn up for a placard, and hand-bills to be stuck on the walls, and distributed among the lower orders, soldiers, and mechanics; they were to be sent to the Borough, Petty France, Spitalfields, and all places where there were manufactories or working people. The meeting was to be called on the Friday following, and to be advertised, I think, in the *Statesman* newspaper, but I am not certain as to that; there were to be 500 of the small bills printed and 250 of the large. The elder Watson took the bill to get it printed, he said he knew a printer, with whom he had lodged, in Gray's Inn-lane, who would do it; but he came back and said that the printer wanted a £1 note to purchase the paper. Thistlewood gave Watson a £10 note, and told him to go and get the bills printed immediately and to give me as much of the remainder as would pay for the pikes.

What was the name of the printer?—I do not remember.

Should you know it if I mention it? Was it Storer?—Something like that, but cannot recollect.

Do you remember the conversation that took place while Watson was gone to the printer's?—It was about a waggon; Thistlewood asked who would undertake to get a waggon to speak from. I offered to get one; he asked how much it would cost, and I said about £2 or £2 : 10 : 0. Thistlewood said we should have a true tricoloured flag, green, red, and white, and his wife should make it. He asked the Doctor what would be the best motto to put on the flag, and Watson wrote out what words should be on the flag, and the manner in which they should be placed. Three of the words were *nature, truth, justice*. The whole was the same as the inscription on the flag which afterwards appeared in Spa-fields. It was appointed that I should carry the flag, as I was the strongest and the tallest.

Had you any appointment for the next day?—I was desired by Thistlewood to go and get half a dozen stout navigators to come to the Cock in Grafton-street, to get some of the placards, which they were to carry, pasted on their backs on pasteboard. I went that night, and appointed the navigators for that purpose. Next morning I went to meet the Watsons by appointment at a coffee-house in King-street, Holborn, where I was to receive the money for the pikes; after which I was to take them away, and put them in nail bags. I did meet the Watsons at the place appointed. The elder Watson gave his son five one pound notes to go with me for the pikes. Young Watson, however, went first for the nail-bags, and I went to Bentley's to get the bill for the pikes made out. He had made only 250. We went from his house, he and I together, to a wine-vaults, in the corner of a court leading from Hart-street to Long-acre. Young Watson soon came in with the nail-bags. Bentley produced his bill, and young Watson gave me the money in his presence, and I paid him. I got £3 14s. after giving credit for a pound, which I had received before. We then went to Bentley's cellar, in Hart-street, and all three assisted in getting the pikes into the nail-bags. We took them to the house of Mr. Watson in Hyde-street, Bloomsbury. Both the Watsons lodged there, for any thing I know: I had seen them both there. The pikes were deposited under something like a sofa bed. They were the iron heads. Young Watson and I then went to the committee at Greystoke-place. I produced Bentley's bill to Thistlewood, and he desired me to destroy it imme-

diately, which I did by pulling it to pieces. We informed them that we had got the pikes. The elder Watson and I then went to the printer for the bills. His wife informed us that he was not at home; that some of the bills were done. The printer, on his return home, said he had been making the necessary inquiries at some office, (whether taking legal advice I cannot say), for fear he should be brought into trouble. The printer was in Fetter-lane, two or three doors from Fleet-street. We entered by a back-door, from a court whose name I do not remember. His name (being suggested by Mr. Gurney) was Storer. He said he had fallen into some scrape by something he had printed before; that two hundred of the bills were finished, but that he would destroy them. He produced some to us, and would not let them go out of his hands. Another gentleman was with him. Young Watson came in and joined us, and tried to persuade the printer to give us the bills, and that his name would be cut from them, so that he could not be brought into danger. He said he would have nothing to do with the business; that they might take away the paper with them. I carried the paper with me, but before that we went away to drink. Watson returned again to persuade the printer; and not succeeding, brought the paper to the public-house for me to carry. I carried it to Greystoke-place; Watson the elder was with me. We both reported what took place, and the committee resolved that Watson the elder should go to one Seale, a printer, in Tottenham-court-road, for the purpose of getting 250 (I think that was the number,) bills immediately printed, if he should pay an extra price for them. He did go, returned, and reported that they would be ready next morning at eight o'clock; and that he had got a man to stick them up, the small ones at 2s. 6d. per 100; the large (I think) at 4s. 6d. The committee resolved to write a letter to Sir Francis Burdett and to Mr. Hunt, to invite them to attend the meeting on the 14th. The letter was written by the elder Watson, and sent away while the committee were together. An advertisement was written by the elder Watson, I believe, for the 'Statesman.' It was given to young Watson, with 7s. or 8s from Thistlewood, to insert it immediately. The first paper to which Watson offered it refused it; I am not certain what it was, but I believe it was 'The Times.' I was to get the navigators to come together next morning to the Cock, in Grafton-street, in order to go in different directions to distribute bills among manufacturers and soldiers, and to exhibit placards. We were to see the bills properly distributed, and to follow the navigators for that purpose. I did accordingly invite the navigators to come. On the next day, in the morning of Tuesday, the 12th of November, we met at the Cock; the bills were not come; I went with Hooper to bring the bills and placards. The men engaged came, in number six, I believe. I gave them some bread and cheese and porter. The whole committee were there. Thistlewood went to purchase pasteboard and strings to tie the placards on the navigators' backs. They were tied, and the men set off, one by one. Directions were given them to walk very slow in the most populous parts, among the lower orders of the people. One shilling each was given to them. They were ordered to stand when a crowd was about them, and to give hand-bills out, but not to be extravagant with them. They were ordered to give them to such as soldiers and lower orders of mechanics, and to such as they might see out of employment, and to deliver them into manufactories. They were to have another shilling when they returned. They were to walk again the next day. They were directed to return to the Cock to receive the remainder of their money, and orders for the next day. I paid three of them there: the rest were directed to come to Preston at some house in Spitalfields, where they should receive orders: the elder Watson, too, got bills from Seale's; I recollect no other person that got any. I followed some of the bill-stickers; Hooper accompanied me part of the way; we went into public-houses and stuck up bills where they let us. The placards were for the meeting of Nov. 15. That is the small bill [a bill was here shown to the witness, and handed to the several parties]. The large placards had the same words, only different in size. It invited a meeting of distressed manufacturers and seamen. It was signed by Dyall, the chairman, and Preston, the secretary. In the course of our walk with the bills I went by Cha-

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ring-cross. Hooper afterwards told me he had got over the rails there, and stuck a bill on the pedestal of Charles' statue, which I afterwards saw upon it. He told me that a person who attended the horses there had interrupted him, and said to him that he could get a penalty of twenty shillings of him for leaping over the railing. In the afternoon I met the men at the Cock, and paid them. Harrison and Thistlewood were there, and the three men to be paid. All the committee afterwards came. We were all there again next morning, Wednesday, the 13th. The navigators came, and had the placards again stuck upon them, and set off as the day before. We appointed the committee to meet in the evening at Greystoke-place. On Wednesday evening we did not all meet there, in consequence of a quarrel between young Watson and Harrison. Watson reported it to the committee. They were all present but Harrison. Watson reported that they had a serious quarrel as they were going to Seale's; that he said to Harrison, "If I did not know you well, I should have thought you a *Marplot*;" that Harrison answered, "I am perfectly convinced, if they do not mind, you (young Watson) are so violent you will bring them all into trouble, and I will have nothing more to do with the business." This threw the whole committee into a state of alarm. They resolved to meet in another place, but unanimously thought that Harrison would not deceive them; but they appointed other places for meeting. We agreed to meet late in the evening. Thistlewood desired me to call, in the mean time, on Harrison, and to know why he had withdrawn himself. Before we separated we appointed Hooper in Harrison's place. We resolved to meet that evening at the Blue Last, by Salisbury-square, Fleet-street. I was to bring Hooper with me. I afterwards reported what passed between me and Harrison. I told him that young Watson informed the committee that he had withdrawn, and I wished to know his reason: he said, that he had, and wished me to do the same, as young Watson was so violent he would bring himself and every body else into trouble, and he would never have any thing more to do with them, and would not go to Spafields meeting. I went to the Cock, in Grafton-street, and there met Hooper. I informed him he was chosen one of the committee in place of Harrison. He wanted to know the reason. I told him that Watson and Harrison had quarrelled, and Harrison had turned traitor. Hooper said he would not believe it, except he heard it from Harrison himself. Harrison came in at that moment, and Hooper told him that I had said he had withdrawn and turned traitor, but that he would not believe it except he heard it from himself. I said, no: but that young Watson had gone so far as to call him a *Marplot*. He replied, that he had withdrawn, and that he would not attend the committee any farther, nor the meeting at Spafields. Upon this Hooper and I came to the meeting at the Blue Last. All came in after we got there. We went away, as there was no opportunity for conversing there, the house was so full. We went to No. 9, Greystoke-place, and went into a room two pair back, where we could not be overlooked from any window. All the five were there, and Hooper made the sixth. Harrison had withdrawn, and Hooper was in his place. Hooper was told of this, and their whole plan was explained to him. It was their plan for Friday, the 15th. The plan of burning the barracks was given up, it was done away with. It was given up on account of no house having been got to contain combustibles. It was the plan for next Friday that was talked of. The plan was, that the elder and young Watson were to address the mob. We were all, the six members of the committee, to be there at 12, before Mr. Hunt should come, he having been invited to be there precisely at one. If Thistlewood saw the spirit of the mob ripe and ready we were to leap down from the waggon, and to lead the mob into the town. The six of the committee were to do this. We were to have six cockades, one each in his hat or bosom, as he

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liked best, and a flag was to be prepared. Thistlewood said that we were to call out to the mob, that if they wanted weapons we would soon find them weapons. The weapons were to be found in the different gunsmiths' shops. There was scarcely a gunsmiths' shop in London that had not been inspected, to learn how many there were, how they were situated, and how much and what arms they contained. This was mentioned to Hooper at the time. I cannot say exactly whether it was the elder Watson or Thistlewood that mentioned this inspection, but it was one of other. They were immediately to go with arms, when found, down to the Bank, and to take it by surprise. No other place was mentioned but the Bank and the Tower. If the Bank was taken, it was stated how we should then proceed. We were to get all we possibly could to the top of the Bank, to destroy the soldiers if they came to retake it. We were to get to the top, not only of the Bank, but of other houses, and to throw broken bottles, and whatever we could get; to barricade the Bank, and, if the soldiers came, to burn the books, to do away with the national debt. The committee met again in the morning, all 6, Hooper being one. Harrison had completely withdrawn himself. That morning, I believe, the remainder of the bills and placards were brought from Seale's. They were sent out as before. Preston was not at that meeting. He came to fetch his bills and went to another place. In the evening the committee met again, I do not remember where, think it was at Greystoke-place. Thistlewood and elder Watson reported to the meeting, and said, they had seen Mr. Hunt at Bouverie-street-hotel; that he made objections to the petition, wished some alterations in it; said he would begin to address the people, and wished one of his own; that he further stated, he had a letter from Sir Francis Burdett, mentioning that his son was very ill, and that he, therefore, could not attend the meeting. I remember nothing more that they reported. We agreed to meet next morning at Lincolnshire-house, by Whitefriars, near Bouverie-street. I was to call at Thistlewood's to get the colours and cockades, and I was to procure a staff for the colours. When the committee broke up, Thursday evening, Thistlewood and I went to several places. I do not remember, but I believe the rest went to Paddington, but I am not certain. We went both together; I do not exactly remember any house to which we went, except the Nag's Head. At all places we distributed bills and invited to the meeting; we stuck up bills when we got into houses; we went to the soldiers at the theatres. The bills were for the next meeting; there were no other got. Beer was given among those that were disposed to take it, by Thistlewood. We never went into any house but beer was offered to any one of the working people we saw. We saw Gillin, who, I believe, was originally a sergeant, I think in the guards, and we held a conversation with him. On Friday morning, the 15th, I went to Thistlewood's lodgings, in Southampton-buildings. I saw him, and received the colours and six cockades from Mrs. Thistlewood, in presence of Thistlewood and his son. The flag had the same inscription that Watson had written for it. That is the flag, (the flag was here shewn to the witness). Thistlewood gave me money to buy the staff for it. I bought one on the left side going down Holborn, and went to the Lincolnshire public-house; the committee were all there; I distributed the cockades, one to each. The staff was thought not long enough; Thistlewood asked me if I could not

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get a longer one. I went to a carpenter, whom Watson knew, close by, and got one, which I brought back to the public-house. It was approved of. Old Watson first went with me to get the staff. We both came back to the public-house. Watson went away, he said to Bouverie-Hotel, to see Mr. Hunt; it was close by. I left the house to go to Spa-fields, carried the colours in my bosom, and the staff in my hand. I walked all the way. When I got to Spa-fields I sent a person of the name of Crisp for a coach, and gave charge of the staff to him at the same time. The coach was first brought to a public-house looking into the fields. Hooper and Preston got into it; Crisp was on the outside, and still had the staff. He drove up towards the Merlin's Cave. I afterwards went up, and the two Watsons came up with Mr. Hunt. They came in a chariot. Mr. Hunt got out, and stood on the roof of the chariot in which he came. I got up on the box of the coach; Thistlewood was there before him. Thistlewood desired me to hoist the colours. I made a motion to Crisp, who brought me the staff, and I pulled the colours from my bosom and hoisted the flag. There was a great quantity of people round Merlin's Cave. After Mr. Hunt made a few observations from the top of the carriage, it was proposed to withdraw into the house and to speak from the window. Mr. Hunt went; I got down and handed the colours into the room. I found Thistlewood, the Watsons, and Preston in the room. Clarke, whom I never saw before, was chosen chairman. Dyall was there. Mr. Hunt named Clarke. It was not intended that Dyall should be chairman. Mr. Hunt addressed the populace from the window. Mr. Hunt proposed an adjournment until a fortnight after the meeting of Parliament. Thistlewood desired me to tell young Watson to move an amendment to Monday fortnight. He told Mr. Hunt; and Mr. Hunt or young Watson moved the amendment, I know not which. It was proposed, and unanimously agreed to. After the meeting was over, I left the Merlin's Cave. Hooper, the two Watsons, Thistlewood, and myself, were in the carriage. I believe Preston was not there. When we got in, I showed the colours, and the horses were taken off by the populace, and we were drawn along by them. We had not gone many yards when they drove the carriage against a wall. We then all got out and walked to Bouverie-street, where Mr. Hunt was. We found him there. All of us dined there, except Preston, with Mr. Hunt. I am not certain whether we met next morning. I believe our next meeting was on Monday following. I was at Thistlewood's on Sunday, to deliver the colours to Mrs. Thistlewood. Mr. Thistlewood was there too. She was folding up newspapers for the country, where the meeting again to be held was advertised. I saw them. I saw Thistlewood direct them to many places, to different manufacturing places, such as Sheffield, Birmingham, Manchester, to Lincolnshire, and Yorkshire, and to different public-houses whose names he recollected: he sent them immediately to the Post-office. They contained an advertisement of the next meeting, and an account of the one held. I believe I was present when old Watson sent his son on Saturday with an account of the next meeting: this was at Greystoke-place. I was not certain that we met, but we did. Hand-bills were drawn up at the meeting by the elder Watson. Subscription papers were drawn up by the elder Watson, which I, and Hooper, and Preston, like the whole of us, were to distribute, and we were to apply to such as would contribute for the next meeting, as the expenses for the former meetings fell mostly upon one. Watson proposed that a paper should be drawn up for subscription. The greater part of those papers were destroyed whenever their object was done. Thistlewood always destroyed papers, and frequently reminded old Watson that he wrote too many papers, and said that there was great danger in papers of any kind being found about their persons, as the only means to lead to a discovery of plots. Once, in particular, Thistlewood and I found papers written by Dr. Watson; there were a great many pieces of poetry, all which Thistlewood, in my presence, took and destroyed. An advertisement in the *Statesman* was the same that Watson shewed me and sent by his son. I heard it read, and had it for some time. (An advertisement in the *Statesman*, of 20th November, stating that the expenses of the meeting of 15th November fell on one or two individuals, and requesting subscriptions to defray the expenses of the meeting of 2d December, for the purpose of parliamentary re-

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form, was given in evidence.) We got some hand-bills, like that or something similar, printed. On Monday, the 18th, we went about for subscriptions; we were Thistlewood, myself, Hooper, and Preston. We got £2 the first day. We went about next day, and every day till the meeting took place. The money was paid over to the elder Watson, in presence of the whole committee. In the course of that time, that is, between the two meetings, young Watson and myself went to look at some gunsmiths' shops.

(Here Mr. Wetherell strenuously contended that although Mr. Gurney all along led the witness by his questions, it was not fair that he should be led in a question so material to the prisoner.)

Our object was to ascertain how many gunsmiths' shops there were, how they were situated, particularly about Wapping; we particularly looked at those shops which supplied ships with arms, ball, canister, and grape.—(Shipchandlers you mean?—Yes; chandlers' or gun-smiths' shops.) We particularly observed and marked two or three shops in the Minories; they were gunsmiths' shops. We also looked for oil-shops, and shops that contained any combustibles, oil, tar, turpentine, spirits of wine. We reported to Thistlewood. We reported every night to the committee what was done. Their meetings were, afterwards held regularly. Towards the close of the month he called upon Keans, and had some conversation with him on the subject of their proceedings. He had previously gone in company with Thistlewood to different places in the Tower.

Mr. Wetherell here objected to all questions of a leading nature put to an accomplice. The court agreed that such questions were not admissable, but did not consider the present course of examination to be of that description.

The witness, on one occasion, had walked round the Tower with Thistlewood, and then proceeded to the tap-room of a public-house in the neighbourhood, which was frequented by soldiers. They there shewed the soldiers the bills advertising the second meeting in Spafields.

[The bills alluded to were here put in, and read by Mr. Barlow.]

The witness visited the Tower on three or four other occasions, in company with young Watson, and had distributed a great many of these bills among the military. In a conversation, at which six soldiers were present, they asked them which they would prefer, double wages, or to remain as they were, and whether they would rather fight for a large loaf or a small one? These questions were asked in the hearing of them all, and while they were all drinking together. The soldiers said they would rather fight for the large loaf. They frequently treated the soldiers with porter, and every night reported what they had done to the committee. About this time the committee began to discuss the purposes for which they should employ a number of young women. Mr. Watson the elder said if they could get about a couple of hundred and dress them in white, or cause them to carry small flags and cockades, it would take off the attention of the horse-soldiers, and prevent them from riding over their party, so that there would be time gained in order to address them. Keanes was chairman of a club of Spensonians, held at the Nag's Head; and, being a tailor, was applied to by the committee to furnish them with a great coat each, as a preparation for the day of rising. He was also invited to come and dine with them at No. 1, Dean-street, where the elder Watson had taken a lodging for a week, that their frequent meetings in Greystoke-place might not attract notice, or lead to the detection of their proceedings. In the last week of the month of November the witness went with Thistlewood over Blackfriars-bridge to the New-cut, or road leading to the Marsh-gate, in the Westminster-road, in order to procure some kind of stage to deliver speeches from in Spafields. They found a person who offered to sell them a mountebank-stage for £8, upon which Thistlewood offered him £2 for the loan of it. The man refused this offer, when Thistlewood observed that he would soon be glad to give it away for nothing. He did not know the man's name, but he replied he could not part with it without security. After some unsuccessful attempts, the witness was desired by Thistlewood to go to a cousin of his, of the name of Ware, who lived at Westminster, and who recommended him to a person named Windermude, residing in the Horseferry-road, whom he engaged to supply a waggon for the occasion; for the use of which

he was to pay £3, and to give 3s. to a boy for cleaning it and fitting it up to deliver speeches from. He informed Thistlewood at night what he had done, and it met with his approbation. He was desired to go and secure it by paying a deposit, which was furnished from the funds of the committee; and this was done accordingly. On Friday, the 29th of November, he and young Watson went through the Strand, and examined the number of guns, pistols, and sabres, in Exeter-Change, and in a gunsmith's shop opposite to it. They also examined the quantity of large knives exposed for sale in another place. After distributing bills at a public-house, called the Fox under the Hill, near the Savoy, they went to the canteen of the Horse guards. There, in the course of the conversation, one of the soldiers asked if there was any news? They told him that 50,000 Russians had been sent for by the government, and that 30,000 of them had actually landed at Woolwich. The soldier said, he did not think the government had done that; but that if it could not depend on them, they would soon despatch the Russians, for that they should not domineer here. On coming out they met an artilleryman, who informed them that he and his companions had not received any orders to be out on the day of the Spafields meeting. Witness gave him some of the bills announcing the meeting, and desired him to distribute them amongst his brother soldiers when he should get home. They had given no liquor to the soldiers in the canteen, for they refused to accept any. Witness and young Watson then visited Ware, but nothing remarkable occurred. They afterwards went to the Ship public-house, and sent for Windermude, the man who had agreed to furnish them with a waggon. Ten shillings were paid him as a deposit, and it was settled that they should call again on Sunday night. From this spot they proceeded to a public-house in the Westminster-road, where they found eight or ten of the men who work at Maudsley's manufactory, at dinner, and from whom they had previously received 12s. 6d. as a subscription to their general purposes. Several of them promised to attend the meeting on the following Monday. All these proceedings were reported to the elder Watson and the rest of the committee on the same day. Mr. Watson was constantly passing backwards and forwards between Greystoke-place and Dean-street. They were attended, on this occasion, by a weaver, who brought a large quantity of tri-coloured ribband, for which Mr. Watson paid him £2: witness received three yards of it. The committee assembled again on Saturday at Watson's lodgings, in Dean-street. Thistlewood then observed, that the arms which they most wanted were sabres, or short dirks. Young Watson said he would go and purchase some; and money was given him by Thistlewood for this purpose: the latter adding, that they did not require above half-a-dozen brace of pistols, as, if they got the better for only two hours, they should have arms and amunition enough. Having separated to go their different rounds, witness and Hooper walked to Padington, to prevail on the navigators there to attend the meeting on Monday. They called at their accustomed public-houses, distributing their bills as they went along and many persons promised to join them in Spafields. On their return they observed arms exposed for sale, in the shop of a Mr. Flint. After inquiring their prices, not having money enough for the purchase of any, they left a deposit, and returned to the committee, all the members of which were sitting with Keans, whom he saw there for the first time. Two or three pair of pistols were lying on the table, and young Watson was casting bullets in a bowl. He said he had given 28s. a pair for them, upon which witness remarked, that he could procure better at Flint's for 18s. They gave him two £1 notes, and told him to go and get them. He saw two short swords, or dirk-sticks, upon the table at the same time. Before he set off for Flint's they sent to the shop of a Mr. Stacey, and purchased several other swords; after which he went to Flint's and bought two pair of brass-barrelled pistols, paying, in addition to the previous deposit of 2s. on each pair, 16s. for one, and 12s. for the others.

The Attorney-General, seeing the Sheriff in Court, observed, that there were papers then in distribution in the Hall, which rendered it necessary for that officer to be extremely vigilant. He handed up one of the papers to the Judges. It contained the following words in manuscript: "Britons be alive, a few Bellinghams *is* wanted." Several

of these papers were produced, and Mr. Sheriff Kirby quitted the Court.

The examination was then resumed.

At their next assembling together on that day, the elder Watson said, his son James had brought great news, for that he had discovered that he could himself bring 15,000 men to join them, and that he knew where there were 50,000 stand of arms belonging to the East India-Company; Thistlewood remarked, that they must then alter their plans; and it was settled that Preston, who was present, should collect as many thousands as possible early in the morning, by going round to the public-houses, giving instructions to their confidential friends, and appointing them captains. Young Watson said, "all the old soldiers who are with us will want commissions, what are we to do with them?" Thistlewood observed immediately, that they must fight hard till they got the best of it. Witness was directed to go to London-bridge to meet the smiths, as being best known to that class of labourers; and then to proceed to Tower-hill, where he was to meet young Watson with his party, and to attack the Tower. He was to offer the soldiers 100 guineas down, or double pay for life, as they should prefer. The pistols were then loaded, and cockades prepared. A piece of white calico was patched upon their ensign, and the following inscription written for it by Watson the elder: "The brave soldiers are our friends, treat them kindly." Mr. Watson said he had no doubt this would make a great impression on the minds of the soldiers. The pistols and colours were then carried from Greystoke-place to Dean-street, Hooper carrying one of the pairs bought by young Watson. All this passed on the Saturday previous to the second meeting in Spa-fields. The next day he went to Dean-street in company with a man named Richard Angel, with whom he lodged, and who made them a flag-staff. He took a pair of pistols, which he had brought with him, and gave them privately to young Watson. They dined with the committee, all of whom were present except Thistlewood, who excused himself, saying he expected the two Evans's to dine with him at 4 o'clock; they themselves dined at one. He was, however, called out into the yard by Thistlewood and young Watson, who exclaimed, "D—n your blood, why have you brought a stranger here; how do we know that he will not betray us."

Lord Ellenborough here observed, that he took it for granted that all the circumstances were material, as the examination had occupied a great deal of time.

Mr. Gurney considered them of importance to the due result of the investigation.

The witness then proceeded.—He then took away Angel; and, in going afterwards to Greystoke-place, where he found Keanes, Thistlewood, young Watson, and Hooper, he was again reprimanded for introducing a stranger. All their arms were then produced, the colours and cockades were given to him, and their plans arranged for the following day: witness and Hooper were to look after the waggon in which the colours were to be placed, and prepared speeches delivered from it by Preston and the Watsons, in order to try the spirit of the people. If the spirit of the people should be found right, they were to jump from the waggon and lead them on: all this was to be done before Mr. Hunt should arrive. Thistlewood, the elder Watson, and Keanes, were to pursue a course from Spa-fields through Chancery-lane. Thistlewood, Keanes, Hooper, Watson, and himself, appointed to meet at eight o'clock in the morning, at the Black Dog, in Drury-lane. The waggon, for which he and Hooper had paid 2l. was ordered to be at the top of Chancery-lane; and it was accordingly brought there at the appointed time. When they met at the Black Dog, he inquired for Preston and the younger Watson, and was told it had been settled that they should be very early in the Minories. Three horse-pistols were then loaded, and some powder and ball put into a sort of bag, and intended to be placed in the waggon, which he and Hooper then went in search of. Having left it in charge of Hooper, with a staff, round which a flag was wrapped, he went to Dean-street, where he found Keanes employed about the banner, and enclosing it in blankets. After this he proceeded to London-bridge, but did not find the smiths, as he expected. As he approached one of the gates of the Tower, he inquired of a sentry why they were shut, and was told it was on account of the meeting in Spa-fields. Having passed through the Minories, and by the Bank, towards Little Britain in West-Smithfield, he suddenly heard a great shouting and a mob coming on, at

the head of which he saw Thistlewood and the elder Watson. He asked the latter where was his son James and the rest of them. They answered, by crying out, "To the Tower, Jack, and do your best." The mob advanced through Ladlane, and in a direction towards the Tower. As he turned round he saw young Watson, with a sword drawn, also leading on a mob. Having himself passed through Houndsditch, he met the mob again at the lower end of the Minories, looking at a gunsmith's shop, which was closely shut up. They soon moved to another shop of the same description in the Minories, which they broke open, and took all the arms out of it. He saw young Watson there, close to the door. The elder Watson, Thistlewood, and Preston, were likewise present. The elder Watson had a dirk drawn in his hand; Thistlewood carried a pistol; witness could not tell whether Preston had arms or not. Keanes had a pistol, and young Watson a sword and belt. A number of sailors were amongst the mob, who proceeded to attack another gunsmith's shop, from which they drew out two small field-pieces. One of the sailors began to sponge out one of the field-pieces. Saw Thistlewood and the elder Watson go towards the Tower; they appeared to be addressing themselves to the soldiers across the ditch. Was not near enough to hear what they said. They returned up the Minories to go to Spa-fields for a greater force, as the soldiers did not seem to take any notice of them. There was a noise on the Hill; he was in the midst of it, about twenty yards from the gunsmith's-shop. Thistlewood had on a long great coat, a close coat under it, white small-clothes, and top-boots.

A Juryman. Did both of them address the soldiers?—Yes; both at the same time.

Another Juryman. Why did you think they were addressing the soldiers?—Were not the backs of both of them towards you?—They stood sideways.

A Juryman. Were any people by them?—Very few indeed: they stept out of the mob towards the rails.

Juryman. Did you hear them invite the mob to follow them?—No, I did not.

Mr. Gurney. When they got up the Minories, what happened?—Young Watson halted them, and wished them to form into some order, when the field-piece was broken. After they had gone about 30 yards farther the Life-guards arrived.

Mr. Gurney. What did you do?—I walked forward, as if I had nothing to do with it. The soldiers passed me, and I went to a little public-house. I then proceeded to No. 1, Dean-street, Fetter-lane. I arrived there about half past six o'clock; I found there the two Watsons, Preston, and Thistlewood. When I arrived the elder Watson began to pack up his linen, as if he was going away. I inquired where they were going? Thistlewood said they were going into the country; a house was prepared, and I should hear from them in a little while. I inquired what had become of Hooper? Thistlewood said he was taken with the colours; some of them must expect to be taken. I asked them if they had shot any body? Young Watson replied, that they did not know?—Thistlewood said, he was perfectly satisfied now, that the people were not ripe enough to act; the two Watsons and he went away together. This was about seven o'clock. Whatever was left at the house, Preston's daughter was to fetch, and take away.

At the conclusion of the examination in chief of Castle, Lord Ellenborough addressed himself to Mr. Wetherell, and asked whether it was his wish then to enter upon the cross-examination of Castle?

Mr. Wetherell replied, that it would certainly occupy much time, and if it were postponed, as the witness was described in the list as in custody, it would not perhaps appear an unreasonable request, that no persons but the guard and gaoler should have access to him until the cross-examination was finished, in order that he might not be able to see any notes of his evidence, or to have communication with any persons who had been present during his examination in chief.

Lord Ellenborough said, it was certainly to be regretted that the cross-examination could not be commenced to-night, but the Court could make no such rule as was requested. His Lordship would rather address himself to the Attorney-General, who, no doubt, would take care that all proper precautions were used. His Lordship trusted that Mr. Wetherell would not understand that the remark that had fallen from the Court, regarding postponement, proceeded from any other

motive than a wish for his personal accommodation. The Court would continue its sitting to any length with perfect readiness and satisfaction.

Mr. Wetherell proposed to put a few questions to the witness before the court rose.

The Attorney-General considered that if the cross-examination were begun, it could not be divided, but must be concluded that night. He was indifferent what course was pursued; but he would undertake, as far as his direction had force, that the witness should have no communication, either in writing or otherwise, with any persons but his jailer and the guard.

Lord Ellenborough.—I have no doubt of it; and I rather think that Mr. Attorney-General is right, that if you begin, Mr. Wetherell, you must conclude your cross-examination.

Mr. Wetherell suggested that the sitting of the court might be prolonged, as usual, to 7 or 8 o'clock, and in the mean time the cross-examination might proceed.

Mr. Justice Bayly observed that that hour was now nearly arrived.

Lord Ellenborough. We are ready to furnish such bodily strength as we have; God knows we have none to spare. The object being to obtain truth, it is right to consider also the bodily state of the witness, and to take care that he is not entirely exhausted. I certainly never recollect so long an examination in chief in my life. You will dispose of our time as you think fit.

Mr. Wetherell added that after the fatigue the jury had undergone, as well as the court, he would not then commence the cross-examination. He thought, however, that such questions as the jury were disposed to put might be answered.

The Attorney-General said that this was not the fit stage for the questions of the jury. He again assured Mr. Wetherell that every step should be taken to prevent every kind of communication with the witness.

Lord Ellenborough recommended Mr. Wetherell to accept this assurance, as the court could not interpose to lay down any rule upon the subject.

One of the jury took this opportunity of asking if they could not be allowed to take a little fresh air, in custody of the officers appointed to attend them. This might be done early in the morning or late in the evening; but, unless it were permitted, it was not impossible that the court might be delayed by the necessity of medical attendance upon some of the jury.

The court assented; but suggested that the direction taken by the jury should not be made known.

Mr. Wetherell requested that some officer might be sworn to keep the witness Castle secure from all communication; and, again, Lord Ellenborough recommended that the counsel for the prisoner should be satisfied with what the Attorney-General had undertaken.

Mr. Wetherell begged that some person, on the part of the prisoner, might be allowed to watch the witness.

Lord Ellenborough observed that if it were his case he should entertain no doubt or jealousy after what had been said by the other side.

Mr. Wetherell expressed himself quite satisfied under the existing circumstances; and agreed to commence his cross-examination to morrow.

Mr. Justice Bayly observing that the witness might then be interrogated as to any and what communication he had had with other persons than those appointed to attend him.

The court then adjourned at half-past six.

FOURTH DAY,

THURSDAY, JUNE 12.

The prisoners were brought into court at a quarter past eight. At a quarter past nine Mr. Justice Holroyd and the rest of the court took their seats.

JOHN CASTLE *was then put into the witness-box.*

Cross-examined by Mr. Wetherell.—Are you the John Castle lately abiding in the house of Richard Angel, in Princes-street, Newport-market, but now a prisoner in Tothillfields' Bridewell, in the county of Middlesex, whitesmith?—I am.

Since you were examined yesterday, have you conversed with any person, and with whom, upon any questions put to you in this court yesterday?—I have not.

Have you read or seen any paper, written or printed, relating to what passed in this court yesterday?—I have not.

You are described to be a prisoner in Tothillfields' Bridewell. How long have

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you been a prisoner in that custody?—From the 9th of Febrary, I believe.

Upon what charge were you committed?—High Treason.

The same high treason as that the prisoner Watson is now tried for?—I was.

Had you been in any other custody prior to your commitment to Tothillfields' Bridewell?—Not upon this charge.

When were you first arrested upon this charge?—On Saturday morning, the 9th of February.

Have you had a promise of pardon in consideration of your giving evidence against the prisoner Watson?—I never wanted any pardon, I never committed any thing to want a pardon.

That is not an answer to my question. Have you had a pardon promised you?—I have had the question put to me, if I had ever been committed or tried for any thing.

Have you had a pardon promised you in consideration of disclosing the truth on this occasion?—Not by any one.

You said that you did not want a pardon, explain what you mean?—I never committed any thing requiring a pardon; nothing but what all the country knows, and nothing that I shall not be able to explain to their lordships and the jury; I, therefore, challenge you to bring your evidence against me.

Then you mean that you have committed no treason?—I have said no such thing.

Then explain what you meant by saying you wanted no pardon upon the matters now in question?—I was not referring to the present charge of high treason. I was referring to other things, which I dare say you are in possession of. I dare say you are in possession of a good many, but I shall be able to give you satisfactory answers. I had no pardon offered me, neither did I know the high treason was withdrawn, until my evidence was taken before their lordships. The moment I was brought to the Secretary of State's Office, I communicated every thing to their lordships.

Do you mean after that to say, that no promise of pardon has been held out to you?—No; neither directly, nor indirectly.

You mentioned the Secretary of State, did you communicate every thing you knew without an offer of being pardoned?—I never had any offer of the kind proposed to me.

Do you mean to say, that the subject of a pardon has never been mentioned to you in any way?—It has been since.

Since what?—Mr. Nodder, under whom I am in custody, was the first to inform me that the charge of high treason was withdrawn, but I had no communication from the Secretary of State, or from any other person.

If it was withdrawn, why were you not released?—That I cannot answer.

You did not apply to be released after it was withdrawn?—I did not.

Why are you kept in custody now?—It is not in my power to explain that to you; I never asked the question, and I was never told the reason.

Have you been since your confinement to Tothillfields' Bridewell constantly in confinement, or have you been walking about with an officer attending you?—I have been out with an officer attending me.

When you were walking abroad with this officer, have you chanced to call upon any of the persons examined as witnesses on this trial?—I do not know who have been examined.

Have you not been at the house of a man of the name of Bentley?—No, I have seen him while going to the grand jury room, but have not spoken to him. He admitted that he had gone about to the different public-houses he had mentioned yesterday; to Rysdale's or Randal's, to Drury-lane, and to Paddington. He had also met with a person of the name of George Crisp, the brother of John Crisp, who had been tendered as a witness, and rejected. He did not tell Crisp the situation he was in, nor did Crisp know it.

Did you tell Crisp if his brother went to Bow-street it might be convenient for him?—Yes; I told him I wanted to see his brother; and if he went to Bow-street, Mr. Stafford wanted to ask him

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Evidence for the Crown continued.

about a petition written by him for Watson and me. Nobody desired me to send him.

Did you desire Crisp to tell his brother it might be to his advantage to go to Bow-street?—I dare say I did: I asked him if his brother had got employ; and if he called on Mr. Stafford it might be to his advantage.

Did you say that Mr. Stafford would employ him?—No; how was Mr. Stafford to employ him?

Did you desire George Crisp to tell his brother that you had derived some advantage?—No such conversation took place.

Did you not tell him that you had been better off since the Spafields transactions?—No such conversation took place.

Have you happened to have been to the Tower since?—Yes, I have; I went to find out a man who was there at the time we were treating the soldiers with beer, and showing the cockades.

Did you find him?—Yes, we found a boy.

A boy is not a man: did you find a man?—Yes, I did.

What is his name?—His name I never asked, and never heard it; he lives at the sign of the Pumpkin, close by Mark-lane.

The list of witnesses was then put into his hand, but he was unable to point him out among them. He added, that he went round in custody of Mr. Stafford, and an officer of the name of Salmon: the man at the Pumpkin had kept the Stone-kitchen at the Tower, till the regiment stationed there was changed; there the witness had treated the soldiers, and shown the cockades. The man, when asked, said that he remembered nothing of the kind. They also inquired at the same place for a woman who went by the name of Old Mary, and a boy. Afterwards the witness had gone to the sign of the Black Lion, in Vinegar-yard, and saw the landlady and a boy, whose names he could not recollect: he asked her if she recollected any persons coming there, treating the soldiers, and sticking up a bill in the tap-room. She replied that she did recollect something of the kind, and he called the boy, who usually waited on the customers. Next the witness went to Newton's, and from thence to the man over the water with whom he and Thistlewood had spoken about the hire of a mountebank stage: Mr. Stafford was with him.

Did you not know for what purpose Mr. Stafford was taking you round?—I did not; he never communicated his purpose to me.

Did you not know, without communication, what his purpose was?—He never told me.

And you could not give a shrewd guess that it was for the purpose of procuring evidence?—That entirely rests with myself.

Then you had a sort of notion what it was for?—Yes; my intellects are not quite so weak as that.

Upon your oath, do you not know that you were taken round London for the purpose of obtaining evidence; do you not know, that——

Lord Ellenborough.—Let the witness have an opportunity of answering. There is a justice due to the witness as well as to the prisoner.

Witness.—Whatever questions are put, I shall be able to answer them to the satisfaction of your Lordship and the Jury.

Did you not believe that you were going round to get evidence?—I did believe it, of course; I must believe it.

You are described as a whitesmith. How long have you left off that trade?—I cannot tell to a year or two.

When was the last piece of smith's

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work you ever did, with the exception of the pike-head you spoke of?—Not for the last twelve or fourteen years. I have not worked at my business for other persons since that time, but I have done jobs at several shops for myself, such as repairing a lock, &c. I have been in business at Harwich.

You have left Harwich for some time?—I have.

In what business were you before your connexion with Watson and the others?—In the figure making way, paper figures, dolls for children.

Did you not state to some of the prisoners that you were in great distress when your acquaintance with them began. Were you in great distress?—Yes; I was.

Were you ever under commitment before this time?—Never.

Upon no charge whatever?—Committed do you mean.

Yes; committed?—(After some consideration.) Yes; I was.

Were you ever at Guildford, in the county of Surrey?—I was.

How many times have you been under commitment, or in custody, before the present occasion?—Twice.

Were you under commitment once at Abergavenny?—Once.

And at Guildford?—Once.

What were you committed for?—I dare say you are perfectly well acquainted why.

But I had rather have your authority?—I was committed for putting off bad notes.

Is that what is commonly called forgery?—I never understood it so.

Or uttering forged notes?—It is.

You said, at first, that you were never under commitment, and yet now you state that you were committed twice; explain that?—I understood you to mean if I was ever tried.

Then you made a distinction between a commitment and a trial?—I did.

You were tried at Guildford?—No.

No! Why not?—I was admitted an evidence.

What, the same accident happened there as on the present occasion?—It did.

Namely, that you were committed upon a charge, and afterwards became a witness against the persons who were committed on the same charge?—Be so good as to repeat the question.

The question was repeated, and the answer was, "It did happen."

What became of the man against whom you gave evidence?—He suffered by the laws of his country.

Did he die on the scaffold as a victim?—I was informed he did.

Have you a doubt he did?—I have not.

How long is that ago?—Three or four years.

What was the name of the unfortunate man?—Davis.

Did you make any and what bargain then with the Bank of England before you were admitted an evidence?—I did not. I told them I had been innocently dragged into it, and that I would communicate the whole of the circumstances; I did so, and told them where we got the forged notes.

Pray, were you innocently dragged into the present transaction?—Yes, I was.

What age are you?—Between 28 and 29. Not older.

Did you know a person of the name of Greenaway?—I did.

Were you a witness against Greenaway?—I was.

What was the charge?—He was with me when I was apprehended.

Was he more fortunate than you on that occasion?—I do not know what you mean.

Did he or did he not suffer?—He pleaded guilty, and was transported.

Then you were the only bird of the covey that escaped?—Yes.

One suffered the penalty of the law, and was hanged; another was transported; and the third we have now in Court?—Yes.

Whom did you work for last in your business?—For a Mrs. Angel at Doncaster.

How long ago?—About 14 years.

Before that time where did you work?—Where I was apprentice.

How many years did you work there?—Twelve or fourteen. I was brought up with them.

And do you mean to say that you are now only 28 or 29 years old?—I do not know my age to a year or two.

Can you speak to 3 or 4 years?—Yes, I can.

Are you under 30 years old?—I am.

Under 30?—I cannot exactly say.

Where was your birth-place?—South Kirby, Yorkshire.

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You said that you had been committed at Abergavenny?—I was.

On what charge?—On a charge of taking a French prisoner.

Do you mean taking or taking away?—Taking.

That is, assisting in the escape of a French prisoner?—No, preventing his escape; I will satisfy you of that.

Who was the honest Welsh parson who committed you?—I do not know.

Did he not say, that if what you had been guilty of had been done by a Commissioner of Transports he would have committed him?—He did.

The witness was then desired to explain the circumstances of the transaction. He stated that he had gone to Tothillfields Bridewell, to visit a friend, where a man of the name of Warner gave him two letters to be sent to Buonaparte; and as soon as he had got them, he (the witness) gave information at Bow-street: from whence he went for an officer to the Transport Board, where he saw a clerk of the name of Sugden, who ordered him to go down to Abergavenny to bring to town Colonel Privetti, one of Buonaparte's principal artillery officers there on parole; he went down accordingly, with an officer of the name of Dickins; but the Colonel would not come away, and the witness in consequence came to town for fresh orders. He received a letter of authority from Sugden, and went down again to Abergavenny, and hiring a cart at Bristol, by Colonel de Privetti's orders, he had proceeded with him about eight or nine miles when he was stopped, taken before a magistrate, and committed on a charge of aiding in the escape of a French prisoner of war, notwithstanding he produced the letter given him by Sugden, the magistrate declaring that the notice had not been given to a Mr. Jones, who had the regulation of the prisoners of war in that part of the country.

What compensation were you to receive, if you could get Colonel Privetti out of the country?—No particular sum.

Who made you the offer?—Warner, who lived in Kent, and was then in Tothillfields Bridewell for aiding in an escape.

How came you to go there?—I went to see one Robert Kennett.

Has not your friend Kennett been hanged?—Yes; he was no particular friend of mine. He refused me to Warner. I had known Kennett two or three years before.

What has become of Warner?—I do not know. I believe he is now in Kent.

Has he not disappeared?—I have not seen him for two or three years.

You have said that a man of the name of Dickins was your companion into Wales. Was he not charged some time ago at the Old Bailey with entering into a conspiracy that made a little noise?—I do not know any thing of him.

I mean, was he not the associate of a man of the name of Vaughan?—I do not know it.

Have you any doubts it is the same Dickins?

Lord Ellenborough.—If he be, how can we incorporate him with this case?

Mr. Wetherell.—My object, my Lord, is to shew that this man's friends and companions were felons and rogues, that they were all among the basest of mankind.

Mr. Justice Abbott. Every witness is entitled to the protection of the Court. I remember that was discussed on the trial of Mr. Hardy, when Mr. Erskine, one of the highest and ablest advocates at the bar, and Counsel for the prisoner, examined a witness in a certain mode.

Mr. Wetherell then asked, Do you believe that the Dickins you have spoken of was the same man?

Lord Ellenborough. If you prove it, what have we before us relating to him? It is really corrupting all justice when such prejudices are received.

You stated yesterday that you and Watson had a private conversation at your lodging, and that you desired your wife to go out of the room?—I desired the person in the room to go out.

Did you desire your children to go out?—I have none.

You said yesterday that you were a married man, and that you desired your wife to go out; what is the age of your wife?—I do not exactly know her age.

You have had children?—Yes.

How many?—Three or four.

You seem not to recollect exactly?—Four; three and a miscarriage.

Where is your wife?—In the country; in Yorkshire.

When did your children die?—Three or four years ago.

Is the mother of those children dead or living?—Living.

And she is your wife?—I do not know

whether she is my wife or not: we lived together as man and wife.

Were you married to her? Were you at church?—We were: at Dover-court, near Harwich.

How long ago?—Ten or twelve years.

Was her name Pricket?—Yes.

What do you mean then by telling the Jury you lived together, and you called her your wife, if you were really married to her: did you not mean to intimate that she was not your wife?—I did not.

Why did you not say she was your wife, and not the person you lived with?—I have lived with another person since.

What was her name?—Toms.

Was the person who was in the room when Watson called, Mrs. Toms, or your real wife?—My real wife.

What age is Mrs. Toms?—She is dead.

Is there no other person with whom you now cohabit as your wife?—

Were you ever married before you were married to the woman of the name of Pricket?—I never was.

Have you ever made proposals of marriage to any person within the last two or three years?

Lord Ellenborough objected to the question on the ground that it tended to criminate the witness.

Where did Mrs. Toms live?—in King-street.

You said that your last employment was that of selling children's figures?—Did you ever live at a house called Mother Toms'?—I did.

Where was that?—in King-street, Soho.

Pray what sort of a place is Mother Toms'?—She was a person who kept a lodging-house.

You call it a lodging-house; was it for male or female lodgers?—Female.

Were her lodgings let by the hour, or half-hour, or by the month?—By the week.

But she occasionally let them out for a few minutes?—Never for less than a week.

I put it to you: is it not a house of ill-fame?—No; it is not: it is not upon my oath. You may call it what you please; but it was never let out for a few minutes.

Is not Mother Toms' a place where prostitutes are kept?—It is a place where young women take lodgings.

Is it not a house of prostitution or of ill-fame?—It is not.

Did they not receive persons there for the purpose of prostitution?—No.

Were you waiter there?—No.

A partner there?—No.

Is there not in those houses a sort of character called a protector?—Not that I know of.

In what character did you live there?—In the character of her husband.

Is there not in those houses a good stout fellow, called a protector, or bully. Did you live in that character?—I did not: she let her lodgings out at so much a-week.

How many unfortunate young women lived there?—She had three different floors, which she let out to three separate women.

Was there no back-door or by-room into which promiscuous company, or chance customers, as they are called, might be received?—No.

Do you know, upon your oath, that these lodgings were let out for the purpose of receiving gallants?—I do not know it: I never interfered with them.

You do not know whether the chief run of the visitors were males or females?—I never observed; I had nothing to do with it; I neither paid nor received

You do not believe that the lodgings were let out for the purposes of prostitution?—I do not.

Do you not believe they were?—I believe they were.

Whose name was on the door?—My name; but I did not pay the rent; Mrs. Toms always did that herself.

When did you take the brass plate off the door?—It is not taken off now.

How long has it been on the door?—About a year and a half; but there is another plate over it. Mrs. Toms's name was on the door first; but that was taken away, and a fresh plate put up.

Is your name legible now?—No; but I have not been that way for eight or nine months, therefore I cannot tell whether it is legible now or not.

You have not stated exactly where your wife is?—I do not know exactly: I sent her into Yorkshire, close to Doncaster.

What did you send her there for?—To see my friends.

Do you know a young woman the daughter of a baker at Brighton?—I do.

What is her name?—Streater.

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What is her age?—I do not know.

Have you been much at Brighton before your confinement?—I have been there twice.

Having gone through your domestic history, Mr. Castle, proceed we now to the topics of general history with which you have favoured us. You said that on the 2d of December you proceeded to London-bridge?—I did.

Between 8 and 9 in the morning?—No; nothing of the kind: between 8 and 9 in the morning I proceeded to the Black Dog, Drury-lane.

And went from thence to London-bridge?—No; to meet the waggon at the top of Gray's-Inn-Lane. I put in the colours, I do not know who put in the powder, but it was taken from the Black Dog by one John Keanes. There might be half a canister of it, and 60 or 70 balls. It was the regular canister powder: a small canister, I think; a one pound canister. I tied them up in a dirty white handkerchief, or something like it: the balls were in the foot of an old stocking; besides this, there were two or three small cartridges with slugs. These were all the warlike stores I believe. I went to the Tower at about half-past 11 o'clock. I did not go to Spafields myself, but to No. 1, Dean-street, where I assisted Keanes in wrapping up the banner. Then I went to London-bridge, to meet the smiths.

And were the smiths there?—None that I know of.

What smiths were they?—Some that came from a factory over the water, belonging, I think, to one Bouverie, or some such name. I was sent to meet them at London-bridge, as they had made a subscription of 12s. 6d.

Then the story about your meeting the smiths comes to nothing. There were none?—I did not say so: I saw none, but they might be gone to Spafields.

Did you not tell Watson that the smiths would assist?—Watson and Preston had both been with me to see them at their dinner hour. I do not know any of their names, nor can I mention one of them that promised to attend.

When you went to the Tower, you did not waste your breath in an harangue to the walls. You made no speech to the soldiers?—I had been with the soldiers.

But you did not, in the words of the indictment, "On the 2d of December, with a loud voice command the soldiers of our Sovereign Lord the King to give up the Tower?"—I did not.

Then you went where?—Up the Minories, where all was quiet, and I met Mr. Hunt in Cheapside at 20 minutes before 1.

What did you say to Mr. Hunt?—I asked why he was so late, and I said that young Watson had gone with a party of men from Spafields to attack the Tower, as I was informed. He look at the clock, and said that 1 o'clock was the time appointed for him to be in Spafields, and then he drove off.

Did you say nothing else to him about the Tower?—I did not; that is all the conversation that passed.

Did you not tell Mr. Hunt that you had just come from the Tower, and add, "The Tower has been in our possession for 2 hours," or something to that effect?—I did not.

Did you not say "the Tower is in our possession?"—No.

Or in any way give him to understand the people had got the Tower?—No, I did not.

Did you not desire Mr. Hunt to turn back, and go with you to the Tower?—I did not; I desired Mr. Hunt to make haste to Spafields; he immediately drove off, not stopping half a minute.

What way were you walking?—Towards the Bank.

How came you to be going that way?—I was going down to the Tower.

You had been there once that day, and why did you wish to go again?—I had met the elder Watson, Keanes, and Thistlewood, and they said that young Watson was gone with a party of men to the Tower.

Were they armed?—I did not see any arms. Watson had a dirk-stick, but it was not drawn. I then went to Mark-lane with Keanes; and as I came back I heard a great noise between the Royal Exchange and the Bank, and there I found young Watson with about 200 men and boys firing in the air.

The witness then stated the circumstances of his proceeding with Thistlewood to a man in the New-cut, to hire a stage or waggon to speak from. The meetings, from time to time, were kept up in Greystoke-place, and at No. 1, Dean-street, twice a day. After the insertion of the advertisement several persons came to Greystoke-place with money, which the elder Watson took: once a £10 note was sent all at once,

and the the whole amount of the subscriptions might be £30, but the witness never took any particular account of it. He said that when Harrison withdrew, he was thrown into some alarm, and he objected to continuing the meetings in Greystoke-place.

What was the ground for Harrison's withdrawing?—On account of a quarrel which took place between him and the younger Watson, as they were going up to Seale's for the bills.

When he withdrew who introduced Hooper?—I did; he was appointed in his stead.

Did you not prevail upon Harrison to withdraw, as he was suspected, and it would be better?—I did not.

You know a man of the name of Angel?—Yes; I invited him to dine; he was a stranger to all but Hooper.

Did you not propose to introduce him to the committee?—I did not.

Did you invite Angel to the private meetings?—I did; but he refused. I asked several others to join the meetings, but I cannot exactly state their names.

Cannot you remember any of them?—I asked the two Crisps.

You mean the private meetings?—No; I never invited any person to join the private meetings; the meetings I referred to were in Spafields.

Did you not tell those whom you invited to go to Spafields that you had got arms for them?—I did not; I do not know how many went that were invited, or whether the smiths were there. I cannot tell how many I invited.

Did any you invited refuse to attend?—Not that I particularly know of.

Did you report how many you had prevailed upon?—I reported every night, and sometimes twice a day.

Were those reports true?—They were always correct.

Were they in writing?—Never.

Did you not say that 500 smiths would attend?—I did; 500 smiths and men from other factories. I do not know how many, in fact, attended.

You cannot say how large the muster-roll of smiths turned out?—I cannot tell; I saw none of them.

Should you know any of them?—Yes; two, if I were to see them.

Did you see any person in the crowd whom you invited to attend at Spafields?—I did not.

Before the 2d of December did you go about to any public-houses to treat soldiers and shew them cockades?—Yes; I shewed one to the soldiers in the Stone-kitchen, in the Tower. I had got one in the crown of my hat inside; I took it out and shewed it to the soldiers.

Did you take any of them aside, or into some bye-place to shew it?—No; I shewed it them in the tap-room.

And what said the soldiers of the cockade when you shewed it them publicly in the open tap-room?—They said it was very pretty—very fine colours.

Did you treat them?—I gave them some beer.

Any thing else?—One asked me to lend him sixpence, and I gave him a shilling.

Did you often go to the Tower in this way?—Three or four times.

You mentioned, yesterday, that you had been at a public-house in the neighbourhood of Drury-lane Theatre, where you saw some soldiers, were they in their red coats?—Yes; and on duty.

The place where you met these soldiers is much frequented, I suppose?—No; it is a small room, and there was nobody in it but soldiers.

Was it not a public room?—It was an open room; any person might go into it.

You recollect something that passed between you and two gentlemen's servants about the time you mentioned, was it not Mr. Chancellor Leach's servant?—I do not know.

I will give you his name; but was it not Mr. Chancellor Leach's servant you wished to seduce on this occasion, and with whom you had a quarrel?—It was young Watson. There was myself, the two Watsons, and Thistlewood, in the room. Young Watson quarrelled with the gentlemen's servant, saying to him that in his livery he looked like a negro run away with a mark set on him.

What was the cause of the quarrel?—He did not agree altogether with the meeting. One of the servants was in livery; the other in plain clothes.

You went to the Horse-guards also into a public-house there, did you not?—Yes; into the place called the Canteen: it is a public room.

Now do you recollect any thing of going to dine at Bouverie-street on the day of the first meeting in Spafields?—Yes.

Who dined with you?—The two Watsons, Hooper, and Preston.

Was that the whole party?—There was Mr. Hunt, Mr. Clark, and others.

What did you go to that dinner in Bouverie-street?—We went there because we knew it was the place where Mr. Hunt put up at.

How late did you stay there?—I don't know, very probably till six or seven o'clock.

You have told us that there was a plan for defending the Bank, if you got possession of it. You mentioned something about glass bottles yesterday. Describe your plan of defence?—We were to station people in the Bank and in the adjoining houses, and they were to throw from the tops of the houses and the windows any thing they could get at the soldiers, if they came.

But the glass bottles, whose were they to be got?—They were to be got in the houses. A party was to go into the surrounding houses and throw glass bottles, or pictures, any thing they could get.

Well, we shall return to Bouverie-street. Do you recollect any thing remarkable that passed there, Mr. Castle?—I recollect Mr. Hunt said that he had not seen the colours which were in Spa-fields, and I took the flag out of my bosom and showed it to him: he held the one end of it, and I the other.

Were any particular toasts given after dinner in Bouverie-street?—I don't know.

Do you recollect whether you gave any toast yourself?—Yes, I gave one.

What was it?—I gave "May the last of kings be strangled in the guts of the last of priests."

What passed on your giving that toast?—When I gave the toast Mr. Hunt desired that I would not be so violent, and stopped me.

Was that all Mr. Hunt said?—Yes.

Was nothing said about turning any body out of the room?—No, not that I can recollect.

Is that the only time you were ever admonished not to be violent in your toasts?—Yes.

There was nothing said about turning any body out?—No. Nor about the company leaving the room?—No; not as far as I can recollect. I am not certain whether Mr. Hunt might not say he would leave the room.

But you are quite certain that nothing was said about turning you out?—Yes.

You do not recollect falling asleep, do you?—No; I did not fall asleep.

Nor pretending to fall asleep, taking a little nap; a sort of a fox sleep?—No.

Did you neither fall really asleep nor sham sleep; a bit of a fox sleep; you know what I mean, Mr. Castle?—O yes, I know very well, Sir; I neither fell asleep, nor shammed sleep.

Not a little nap?—No; to the best of my recollection I did not.

Let us see; so you will not positively deny it. Now tell me candidly, did you take a real sleep or a sham sleep?—I did not fall asleep at all as far as I can recollect.

Pray, Mr. Castle, did Mr. Hunt invite you to dine with him on this occasion?—Mr. Hunt asked whether all who were there were to dine.

That is not an answer to my question; did he ask you, Sir?—No.

Then you were uninvited?—I went with the elder Watson and Hooper.

How came you to dine at the same table?—I walked up as others did.

Did Mr. Hunt invite you to sit down at the same table?—No.

Then either you or somebody else proposed this?—Yes; somebody I suppose proposed it, but I did not.

Did not something occur about ringing the bell. Did not you ring it?—No.

What did you converse about after dinner?—Chiefly on the subject of the meeting. Very little politics.

Do you recollect something being said about the soldiers?—I do not recollect.

Did not Mr. Hunt reprimand you on that subject?—No.

Did he reprimand you on no subject except the toast?—To the best of my recollection he did not.

Did any gentleman give the King's health?—No; the King was left out of the question.

Do you swear positively that the King's health was not drunk?—I never heard it drunk.

Was it neither drunk nor proposed to be drunk?—No, it was not.

Did not you tell Mr. Hunt something about your getting a French officer out of the country?—I believe I did.

Did not you tell him that you had got £500 to do it?—Yes.

Was it true?—No.

Then why did you say it?—It was known to many that I had been taken up about a French officer, and I said it.

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Did not you boast of having threatened to shoot a French officer?—No.

You never said, at or after dinner, that you had endeavoured to get a French officer off; and that because he could not go in time, you threatened to shoot him?—No.

I shall remind you of the officer's name, it was Lefebvre; General Lefebvre Desnouettes, I believe, he is called. Did not you say that you tried to get that General out of the country?—I do not recollect.

Did not Mr. Hunt reprove you for the manner in which you were talking on this subject, and said you must not enter into such conversation?—I do not recollect. I had taken too much wine and spirits.

You say you did not fall asleep, however. Do you recollect any body shaking you?—No.

Did any body else besides Mr. Hunt admonish you respecting your conversation?—I do not recollect.

Do you mean to say you were intoxicated when in Bouverie-street?—Yes.

When, before or after dinner?—Both. I was not drunk, but I was in liquor.

Do you know how much wine was drunk in Bouverie-street?—No.

Do you mean to say that what you drank after dinner intoxicated you?—No, I was in liquor before.

I understood you yesterday, that before the 2d of December your plan for burning the barracks had been given up, was it so?—Yes.

Why?—On account of Harrison's withdrawing himself, and the want of a house for the combustibles.

How much money was required to be put down for the house?—£15.

Could you not raise that much money?—It was not the money, the gentleman would not give up the key.

But, after you got his answer, why did not you look for another house?—It was then too late for the meeting.

But the combustibles had not been got?—No; they could soon have been got.

But they were to cost some money; one hundred pounds, I think; and somebody said twenty pounds or so were not to be spared?—That was Thistlewood.

Now, tell us what was the plan for burning the barracks?—The avenues were to be blockaded up to prevent cavalry from coming out.

Pray did not you propose that yourself?—No; Watson and Thistlewood proposed it.

There are six avenues, you say, leading to the Portman-square barracks, and these were all to be blockaded; are they large?—Pretty large.

Could carts go through them and turn in them?—In some, not in all.

You say the plan was dropped, because Harrison withdrew; why could not the five that remained of the committee go on with it as well as six?—Mr. Hunt was drawing up the petition for the public meeting, and it was expected it would be better then, as a great number would attend.

If Harrison had not withdrawn, would the plan have been executed?—Yes: it would.

And all the soldiers would have been stifled or killed, you said?—Those who escaped would have been killed.

You said, on Saturday, that you were to stop all gentlemen's carriages, all servants, drunken people, and to make them join you?—Yes.

What else was to be done?—People were to be collected in the Regency-park, who were to have bread and liquor served to them. But, when we got the house, those we could place confidence in were to be employed in fitting the pike-heads to the handles, and carrying the combustibles. Thistlewood and young Watson were to bring as many as they could from Gray's-inn-lane, while the elder Watson and I were to have people at the house to distribute the combustibles. When we met coaches, we were to take the coachmen off the boxes.

And you were to pick up all the drunken people in the streets to assist you?—I did not say anything about picking up drunken people. We were to stop every body we met, take all the horses from the carriages, and those who could ride were to form cavalry.

The coaches, I believe, were to be used for blockading?—Yes.

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Evidence for the Crown continued.

Now, let us hear how the barricading of the avenues was to be accomplished?—At the end of Oxford-street, near the park, there was to be two field-pieces.

Who was to command them?—Harrison; he being an artillery-man.

Then you were to barricade Oxford-street?—Yes; all the coaches and carts we could get were to be employed, and all the avenues barricaded on the right side, all the way to Gray's-inn-lane.

Pray do you know what business Hooper is?—I believe he is a shoe-maker.

A shoe-maker or a cobler?—I do not know which.

What is Preston?—I believe he is a shoe-maker.

Did you ever see either of them on horseback?—No; they told me they could not ride.

But they were to be field-officers and generals of division; how were they to lead on their troops?—Hooper was not one; he did not belong to the committee then.

But Preston was lame, and could not ride, you say?—Yes; but he said he could walk fast enough on an occasion of that kind.

What were you to do in Piccadilly?—To barricade all the entrances to the Park, and chain the turnpike-gate. The walls in the fronts of gentlemen's houses, or their gardens, were to be pulled down, and the iron palisades and spikes on them were to be used in blockading passages, because there would not be enough of carriages.

You say Watson is a good calculator?—He was always employed in making calculations.

Did he calculate how much time this pulling down of stone walls and collecting palisades would take?—No.

Had he calculated how many days would be requisite for this pulling down and blockading?—No; but it would have been soon done. We should have had possession of London in three or four hours. The whole business would have been done at once. The different generals were to act in different quarters. When the burning of the barracks had struck terror, and we had met at our rendezvous, we were to halloo, and say that the soldiers had joined us.

The soldiers! they were to be stifled like rats, you know. But there were other barracks besides the Portman-street and King-street barracks. What were you to do with the Knightsbridge-barracks?—Oh, we could not get near them.

Then Dr. Watson, who had such excellent medicine for the other barracks, could not prescribe any thing for those at Knightsbridge. Why could the stinking process not go on at Knightsbridge?—I never used the word stinking. Thistlewood, Watson, and myself, had inspected them, and we found there was no means of reaching them. We therefore gave them up.

How were the soldiers of these barracks to be prevented from entering the town?—By barricading, and by the two field-pieces, which were to be placed at Hyde-park-gate. There was to be a party of pikemen also with these guns.

Now let us go to the Horse-guards. What was to be done with the troops there?—There was to be one field-piece, or two if they could be spared, placed in the Green-park, to play on them, if they attempted to go that way.

You have told us of only two field-pieces before?—The whole artillery was to be taken from the barracks at the Regent's-park.

Was it no part of your plan to make use of the great mortar in the park. You know what I mean, the bomb that was brought from Egypt?—No.

I thought you, perhaps, might have proposed to try a few pounds of powder

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in it?—No; I never heard it mentioned.

There are some infantry barracks in Knightsbridge, on the left hand side, what was to be done with them?—Thistlewood and I examined them, and agreed we could do nothing with them; we could not stop the men from going out at the back.

So there was a rat-hole there, was there?—The men could get out.

I think you mentioned that you were to barricade London-bridge, to prevent the arrival of artillery from Woolwich?—Yes; I did.

But, Mr. Castle, did it never occur to you that guns might be brought up by water: pray what were your naval means of defence?—Young Watson and I were to go down to the wharfs to examine the wharfs, and the vessels in the river were to be seized, to form a naval force to prevent the artillery from being brought up from Woolwich. The vessels were then to be fitted out, and sent to sea to tell all the ships they might meet, that a new government was formed, and to desire them to come home for orders.

Then your plan was to blockade the Thames as well as the land?—Yes; it was.

Did you ever mention this naval part of your plan before?—Yes.

Then why did you not mention it yesterday? Did you think it too ridiculous?—I was going to mention it when I spoke about going with young Watson to the wharfs, but I was stopped.

Have you ever gone by the name of Jackson?—Yes. After the first Spa-fields meeting Angel told me it would be more prudent to get a different name.

But you went back and forward to the meetings as usual?—Yes.

Then why were you afraid?—Because Preston had been taken up.

Did you ever live in Carnaby-market?—No.

You went to Exeter Change to look for arms, I believe?—Yes.

Did you see any there?—Yes. We expected to find as many as would serve 40 or 50. There were pistols, and sticks with swords.

Did you not say you expected to get guns there?—Probably.

Did you ever see any guns or sabres there?—Yes.

Will you swear to have seen one gun?—I cannot be certain.

Will you swear to sabres?—Yes; to more than twenty.

Did you not say that one reason for giving up the blockading, the burning plan, was, that the people were not sufficiently ripe for it?—Yes. No, I did not say ripe; not sufficiently numerous without a public meeting.

Did you know Keanes before he joined your party?—I had seen him at the meetings.

You said, yesterday, that Mr. Watson spoke to you first about overturning the Government. How long had you known him then?—I had seen him different times at the meetings.

Had you ever seen him three times before?—I do not know.

Will you swear that he ever spoke twice to you before he talked in this way of its being easy to overturn the Government?—No.

So, then, your conversation with him on that subject was the first that ever passed between you?—Yes.

When did you first disclose this to any body?—About the 6th or 7th of January.

And you were first imprisoned in the beginning of February?—Yes.

Very well, sir. Now, were you near enough at the first Spa-fields meeting to hear the resolutions put?—I was in the room.

Did you see any magistrates there?—I do not know.

Did you not boast of having put your fist in a magistrate's face?—Perhaps I did: but I did not know he was a magistrate. It was a gentleman who nearly shoved me off the table.

Did you not see some police-officers in Merlin's Cave?—Yes.

I believe your person is not unknown to them?—I know some of them.

Do you not know that the room you forced yourself into was one appropriated to the magistrates?—I do not: I did not force myself in: I went up with others.

The flag was at the window; and as Mr. Hunt put his head out at it to speak, was it possible for him to miss seeing the flag?—He could not see the inscription on it.

Was the flag used at the first meeting, which you said you took to Bouverie-street, the same that you had at the second meeting?—Yes.

You have said you were in distress in February last. Who has supported you

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during the period of your imprisonment: you are now well dressed?—I have been supported in Tothill-fields Bridewell. Mr. Stafford paid for my dress.

Has he given you pocket-money also?—Yes.

Have all the things that have been given you been paid for by money from Mr. Stafford?—Yes.

Who furnished the money for sending your wife to Yorkshire?—Mr. Stafford also. He paid £5.

But why send her out of town; she was not a traitoress; there could be no particular harm in her remaining in London?—Perhaps not.

But why was she sent out of the way?—That is best known to myself.

Who suggested the plan of sending her away?—Nobody.

If your wife had been here, could not she have stated some matters of importance?—No, I never communicate my affairs to her.

No, I dare say not; but there are some dates and facts of importance which she might have known: for instance could she not have verified the fact of your sending her out of the room when you wanted to speak privately to Watson: perhaps could she not have stated where you had been at some particular times?—I do not think she could.

The Attorney-General objected to this course of examination, and the Court sustained the objection.

After Preston was apprehended I believe you endeavoured to take care of any little property or furniture he might have?—The goods were not his. When Preston was taken before the Lord Mayor, Preston's daughter assisted me in taking away a table and a flock bed that belonged to the committee. I took the things and appropriated them to my own use, for the committee had left me without any thing.

Was the committee obliged to support you?—They had supported me before, and Thistlewood had always said there would be some money to take me out of the country if any thing happened.

You know the house of young Watson in Hyde-street; had you the key?—No.

Will you swear you had no access to it?—I never was there but twice in my life.

You took the pikes there, you said?—Yes.

Now I should be glad to know whether you are aware of what became of the pikes you took there?—I have heard since that they were found in the privy. Mr. Nodder, with whom I am confined, gave me the information.

Re-examined.—Did you know the pikes were found in the privy before Mr. Nodder told you?—No.

Were you ever in the house after young Watson and you carried the pikes there?—Never: (after a pause) I beg your pardon, I was there once with the elder Watson and Preston's daughter, to assist in taking away Watson's things to Greystoke-place.

In answer to questions from the Bench, respecting the 100 guineas which were to be paid to the soldiers, the witness said: The money was to be immediately paid when we got possession of the Bank. This was settled at a consultation between Harrison, the two Watsons, Thistlewood, and myself. The whole notes in circulation were to be destroyed, and all payments were to be made in cash. It was agreed upon, that we could find plenty of plate in the noblemen's houses, and we were to coin money with the impression of a cap of liberty.

Juryman.—You have spoke of several meetings you had with the committee; was it at the first that the plan you have described was agreed upon?—Yes: it was on the first Sunday.

Court.—Was the property of individuals to be taken by force?—The generals were to give an order for the value on Thistlewood. If the order was not accepted, the things were to be taken by force.

You said that the Bank and Tower were to be attacked. Was there any other public place you intended to obtain possession of?—Somerset House was to be our head quarters.

You had no money in hand?—No; what money we had came from Thistlewood, and I do not know what he was possessed of.

ANN WRIGHT *sworn.*

Examined by Mr. Richardson. I live at the King's Arms and Golden Anchor public-house, in East Smithfield. In December last a person named Aitkins lodged with me, but he is since dead. On the day of the riot in the city the prisoner Watson came to see Aitkins: I had never seen Mr. Watson before. He came between one and two o'clock. Aitkins, who was in the tap-room, on seeing Watson rose and shook hands

with him, and asked him whether he would have a draught of porter. Mr. Watson said he did not care. Aitkins, was for going into the parlour, but Watson said no, he would go into a room where he could have free liberty of speech. He then said, "Come on, my boys! If you had but followed me, the Tower would have been in our possession long before now." The riot was then going on in the Minories, and we were about to shut up in consequence of it. In about ten minutes the prisoner went away. He had on a drab coloured coat; he spoke in a noisy manner, and flourished his stick about. I have often seen young Watson with Aitkins.

Cross-examined by Mr. Serjeant Copley. When Aitkins opened the parlour door, the prisoner saw who was there. There were a good many persons; there were also many in the tap-room. He might have spoke with as much free liberty in the one place as the other. I do not know his reason for saying so, except that the people in the parlour belonged to the London-Docks, and those in the tap-room were sea-faring people. I was in the bar; and there is a passage between the bar and the tap-room. I have told this story before three or four times, to gentlemen who live in Gray's Inn-lane. I did not go to them, they came to me. There was a man present who is here as a witness. I do not know any body else that was present. I could not see into the tap-room, and only knew that the persons who were there were sailors; because, in about half an hour after, I saw some of them who had left the tap-room passing the window, and because the tap-room is generally frequented by sea-faring people; but the sailors I saw passing might have gone in during the half-hour.

On the witness, whose evidence follows next, entering the Court to be examined, Mrs. *Wright* said, that was the man who was present when Mr. Watson came into her house.

WILLIAM MILLER, *a seaman, sworn.*

Examined by Mr. Richardson. I was at Mrs. Wright's on the 2d of December; remember a man coming in and speaking to Aitkins: that man said, "If they had been of his mind, he would have the Tower in his possession."

Cross-examined by Mr. Wetherell. I do not know the man; I never saw him before or since. It was in the afternoon; he came in between two and three, it might be later, but I am not positive. I was there, for I had no work. I do not recollect if it was duskish: there was a conversation carrying on at the time, I believe it was duskish: I do not think it was so late as five o'clock: there were several persons that I did not know. The man said, "If they were of his mind the Tower would be taken:" I heard him: there were a great many sailors present; I did not know one of them; there was none of my acquaintance: I cannot be positive as to the time, I believe it was between two and three: it was after my dinner.—(To a question from Mr. Justice Abbot.)—I had heard them talk about the riots: I do not recollect his dress.—(To a question from Lord Ellenborough.)—I am in the habit of frequenting that house: there was a parlour, and there was a tap-room for the lower order.

ZACCHEUS BANNISTER *sworn.*

Examined by Mr. Attorney General. I lived on the 2d of December, at 30, Hyde-street, Bloomsbury-square. I know Watson the prisoner: he took my shop for his son, as he told me: it was a small shop in the front of my house: there was no other apartment occupied by him or his son but the shop; there is a key to the door of the shop, and a latch-key to the outside door. Old Watson came sometimes with his son: I believe young Watson slept there, but I am not sure. I never saw the inside while Watson was in possession. I know Vickery, the officer: he came to make a search in December: I believe he came on Thursday the 5th. I was with him: he came to my house and inquired whether a person of the name of Watson had lodged there? There were several other persons. I followed them into the room. I saw him overturn every thing in the room, and he took away a great many papers. Vickery forced the door. It was locked. I had not the key. I believe Mr. Watson the younger used to have it. I believe that key (a key was here produced by Mr. Barlow, and shewn to him) is like it. I cannot swear that is it. I remember Mr. Worrell opened the street-door. This key is like the shop-door's; not in the least like the street-door's. I cannot say positively whether it is the shop-door's or not. I believe this was on the 5th of December.

Mr. *Wetherell* said he meant to pro-

pose a legal objection to the papers taken after the arrest of the party, being admitted as evidence. He merely mentioned this at present.

Lord Ellenborough said when the objection was proposed the court would give their answer.

Examination continued.—I remember Vickery came again in the beginning of March, I think the 5th or 6th. I believe Vickery came often between the two periods. I remember to have seen him there on the 12th of December. I remember Vickery coming and searching the privy. I was present. I was present when things were found in the privy. It was quite emptied. Some iron spikes, as I believe they called them, were found.

The Attorney-General here asked whether the question was to be argued as to the admissibility of the papers or the pikes? (To a question by Mr. Justice Bayly)—There were no pikes brought to the house to my knowledge. I had never seen them before. (To a question by Mr. Wetherell)—I saw Vickery on the 5th or 6th of December, again on the 12th. I believe the last time I saw the Watsons was on the 18th or 19th of November; I never saw the one or the other since. It was about a fortnight before the 2d of December.

Mr. Wetherell said the proposition he had to submit to the court was, that the house had been taken by Watson for his son, the spikes were found on the 6th of March; therefore, as evidence cannot be taken to prove the finding of articles which, though found, would not be evidence, evidence could not be admitted upon the finding of the spikes; because, though found, they could not be received as evidence. Whatever was found before the party was arrested was admissible. This point was settled in Mr. Hardy's trial, (page 122, vol. ii. of Sibley's Report). There the Attorney-General insisted to have a paper received which was found in Martin's room; it was a letter written to him by Thelwall. Mr. Gibbs contended that it could not be received, because it was taken after they had been arrested. The court refused it accordingly, and the Lord-President Eyre said, the only reason was, that there was no proof of its existence when the party was arrested. Mr. Gibbs, it was true, argued that it was not evidence, because there was no proof that the prisoner ordered the paper to be written. He was aware that it would be attempted here to prove, that the spikes were ordered, but there was no evidence that they were brought home to Watson's room. They might be fabricated then, and sent there afterwards. The place was not the residence of the prisoner; it was true he had access to it. He allowed, if it could be proved that they had been ordered to that place, they might be evidence and brought home to the prisoner.

Mr. Justice Bayly said, it was in evidence that both Watsons ordered the pikes. (Mr. Wetherell said, "Not the father.")

Mr. Gurney reminded the Court, that Castle gave evidence of old Watson having given money to pay for the pikes.

Mr. Wetherell said, it did not appear that he gave the money *eo nomine*, and expressly for the pikes; and nothing was said of his having ordered them to the house.

Justices Abbott and *Bayly* read the evidence of Castle to that point, as shewing that he gave the money for the pikes.

Lord Ellenborough could remember no evidence of ordering them to be deposited in any particular place.

Mr. Justice Bayly said, the consideration respected two points, very different in their nature, 1, the admissibility of the evidence: 2, the effect of it.

Lord Ellenborough said, he saw no foundation for the objection. If there were any doubt of those things having been in the possession of the person, the case would be different. They would recollect a case of a robbery in Yorkshire; the butler was seen to go into the privy; after the case came before the Court, the privy was searched, and evidence produced that convicted the prisoner. There was proximate and probable connexion here. It was on evidence that the pikes were made by the common orders of all.

Mr. Justice Bayly said the case was very different from those cited. Here was not only the existence of the pikes, but of young Watson, the son, having ordered them to the house.

Mr. Justice Abbott said it was absurd to suppose that stolen goods, though found after arrest, were not evidence.

Examination continued. I saw the pikes taken out of the privy. I never saw them before. (To a question from Mr. Serjeant Cupley)—The shop was in

ken for his son. It consists of only a shop. The key shown is like the key of the shop. I believe it is it. It is like it. It was a common key. The street-door had what is commonly called a latch-key. The privy is in the yard. Several persons were in the rest of the house. The privy was common to the whole house. The passage is from the street into the yard, leaving the shop on one side. I have seen Watson with his son. I do not know that he slept there, nor his son. They were there of a night. Business was carried on there. There were drugs in the shop. The father told me it was for his son. I saw them not for a fortnight before the 2d of December. It is very improbable that any of them came to the house after that. I did not unlock the door, I had not the key. (To a question from the Attorney-General.)—None at all had access to the shop after the Watsons, till Vickery came. (To a question from Justice Abbott.)—The house has two doors, a back and front. They must come by the passage to the shop. There were shutters on the window. Watson usually opened the front shutters. I never saw them open during the interval. They were previously open except on Sunday. They were never altogether opened. I believe no one attended the shop when he was out. None had access but himself. The servant never swept it for him to my knowledge. (To a question from Lord Ellenborough) —It is a common thorough passage. I recollect no person using that passage after Watson's going away.

JOHN VICKERY *sworn.*

Examined by the Attorney-General. I am one of the police officers belonging to Bow-street. I went on 5th of December to Bannister's, 30, Hyde-street. I went into the shop. I inquired for the key, but it could not be found. I forced the door. I made search in different parts, found papers. It was a small room and completely full of furniture. There was a mahogany chest, and papers were littered about it, and in different parts of the room. I found all those papers (produced) in the room, and marked them. I saw Mr. Bannister on the 5th of March. The privy was cleared in my presence. There was a large quantity of iron found in the bottom, sharp spikes. I saw them washed as clean as they could be, and put them into a box, and carried them to my office. I have had them ever since, except two of them. They were never from me till then. There were 200 wanting two spikes, such as those. (Produced and opened by the witness, they seemed about 8 or 10 inches long, pointed at both ends, and seemed more like the head of a fence or railing than an instrument of war.) I believe I may have committed a mistake in counting, for I since thought there were more than 200. (Lord Ellenborough said to the Jury he could not hand one to them till they were proved.)

Mr. Wetherell said, he had an objection to offer, but, with permission, he would first ask a few questions of the witness.

Cross-examined.—The first time I was there was the 5th of December, and I found the papers that morning in the shop. The shop fronts the street on the left hand. There was a quantity of papers, they were in such confusion, that I cannot tell what they all were. I cannot say whether the general mass of them were medical, ecclesiastical, literary, or political. The room was uninhabited. Some were in a box, some in the drawers. I did not take all, I selected those.

The Attorney-General then tendered the papers sworn to, by the witness, as evidence.

Mr. Wetherell objected to their reception. There was no evidence that Doctor Watson had any antecedent knowledge of their existence. All that has been proved was that certain papers were found. Where then was the link of connexion on which to pour in participation on the part of the prisoner? In the case of Hardy, the link of connexion was not only kept unbroken, but there was a distinct averment on the record, charging the prisoners with the direct fact, of having framed and circulated for a common object certain papers.

Lord Ellenborough said the nature of the papers was not yet opened. They were evidence against the son, but not necessarily against the father, if the design were not common. If the existence of the papers could be questioned, the case was different.

The Attorney-General said that Castle's evidence referred to a plan of the Tower, a drawing of a machine to act against cavalry, and a bill for Spafields; all which were among these papers. There was also a plan of the fens and

what appeared to him a plan of a military force: the names of the committee of safety were also there.

Lord Ellenborough said, the question was, whether they were referable to the common design. Only those distinctly stated could be received.

Mr. Wetherell contended, that they were not supported by evidence in their lordships' notes, or by the record. It was a mere begging of the question to bring forward such papers.

Mr. Justice Abbott said they were supported by their notes.

Mr. Sejeant Copley said, there was a distinction between two of those papers, which were adverted to by Castle, and the rest with respect to which there was no evidence.

Mr. Justice Bayly said, that, as they were written before the evening of the 21 of December, the presumption was that they referred to that subject.

The papers were ordered to be produced. They were stated by the Attorney-General to be—1. A plan of the machine with wheels and scythes (for obstructing cavalry, as supposed.) The indorsement, containing two names of persons in Stoddart-street, and a question and answer, on the Spencean system, as to all men having a right to an equal distribution of the earth, *was given up*, Mr. Wetherell having referred to a letter of Thelwall's, containing seditious songs and toasts, given up in Hardy's case, though Buller and Grose were of a different opinion. Lord Ellenborough said, as there was no proof as to it, it could not be received; but he thought there was much reason in the argument of Buller, and he by no means gave an opinion on the general point; the paper was good only as a plan of the machine. 2. A plan of the Tower (another witness was promised to prove this a plan of the Tower). 3. A list of names, Sir Francir Burdett, Thomas Hardy, Samuel Brookes, Charles Puller, Thomas Evans senior, George Harris, J. A. Jones, Roscoe, Walter Faulks (Fawks) Thomson, G. Waithman, L. J. Thomas Evans junior. Objections were made to the reception of this paper, as nothing appeared upon it but mere names; but they were overruled, Lord Ellenborough thinking it had a most pregnant reference to the trial, as indicating the government to be set up after the subversion of the present. 4. A drawing of the flag, with the motto. 5. A paper, stating, by way of letter, that it was unnecessary to explain the purpose of the meeting, as it had been explained on Friday, and mentioning Sir F. Burdett's reason for not presenting the petition at Carlton-house, and Hunt's being refused admission. 6. A paper, discussing the nature of military obedience, in the way of question and answer, such as,—Can nations prosper while rulers are corrupt? —No. How long ought soldiers to obey their commanders?—While their commands are just. When rulers are unjust, ought soldiers to obey?—They ought not to be mercenaries.

Mr. Wetherell said, he presumed we should next have a new Red Book. As to the drawing of the flag, Mr. Stafford had already furnished the Court with one. On another paper was, "Sir F. B. could not present Petition from illness of his son. Mr Hunt had sent Petition to George Guelph, and received no answer; nor is there any intention to call Parl together." There were endorsed on the back some unintelligible jargon about common right to land; because there existed a common right to use the productions of the land as aliments as well as water.

Mr. Gurney was proceeding to read a paper which referred to military obedience, "When interested men have caused universal distress, can the strong arm of power prevent public vengeance?"

Mr. Wetherell. After the rule made by the Court, can such a paper be received unless it be first shewn that it was framed for the purpose of being subsequently used and circulated? If, indeed it had been shewn in evidence that any such circulation was proposed, then, according to the rule laid down by the Court, a link of connexion might be demonstrable between the object and the means of accomplishing that object. But the paper now tendered had no such character. It was, from its own shewing, an abstract discussion of an abstract question. He had never heard, since the memorable case of Algernon Sydney, that such a species of evidence was or could be offered. The rule heretofore was, that an abstract, unedited, unpublished proposition to be found no where but in the desk of a party—never traced either to the intention of publication, or to the fact of having been used—but existing in *gremio mentis*, was to be equally available in point of

evidence as if it were published. Nothing appeared on the record, multifarious even as it was, but the circulation of placards and advertisements, there was no link of connection. If then such a species of writing should be now received as evidence, the precedent was for ever —and how uncircumscribed was its latitude? Any writing, directly or indirectly, constructively or referentially tending to what might appear to be the seduction of the King's subjects, must be hereafter receivable. It was only, as in the case of Mr. Sydney, to impute treason as existing in the mind of the accused; and then it was to be inferred, that the finding of any unedited and unpublished writing went to prove that such abstract discussion was to be used for traitorous purposes. The Court had received two papers, referring to the Tower and certain names, on the ground that in the previous evidence an advertence was had to these two papers. To the design of the present paper there was not a particle of previous testimony.

Lord Ellenborough said, there was a great deal of reason in the objection, and it was well worthy of consideration.

Mr. Serjeant Copley had very little to add to what his learned friend had said. Sydney's book was quite in point, it was written on strong republican principles; he had been charged with fomenting a rebellion; the book went far to prove that.

Lord Ellenborough. It was refused because produced as an overt act.

Mr. Serjeant Copley.—There had been no overt act, no publication here. Sydney's was a much stronger case for the production than the present case. Another question of the utmost moment was involved here. Every man in this country was at liberty to discuss whatever subject he pleased; every one had a right to canvass and discuss all subjects sacred and profane, religious, political, and moral; for his own satisfaction he might write upon those subjects. If he published those things it was a different thing: but every one had an unchallengeable right to discuss the laws and principles of civil, and, he would confidently affirm, of *military* discipline. If wrong, the publication was punishable, but the compiling was matter of right and law. To bring forward, then, as evidence, to prove the character of a prisoner's mind, what was never promulgated, was cruel. It was most cruel to have recourse to such means of making it probable that the charges against him were true. The principles of civil and military discipline were the same, though the terms were different. To produce an unfinished paper, full of corrections and erasures, he would repeat, was cruel. What man was secure if any crude notions could be thus brought into evidence? What science but might furnish evidence of treason? Sydney's book (as properly suggested to him) was, besides, proved to have been in his hand-writing. Now here there was no such proof; there was nothing whatever to connect it with the prisoner.

The Attorney-General observed, that the general purpose of seducing soldiers from their allegiance was the purpose of which it was intended to produce this paper as confirmatory evidence. It was of no importance how the paper or writing was composed, whether in the form of question and answer, or in any other. The point in question was, was it not so connected with, and relative to, a design manifested by other evidence, as to be admissible from its obvious tendency to support and corroborate that evidence. He offered it in proof because he thought it marked more than that the writer was a person likely, from the disposition of his mind, to entertain the purpose imputed; and, because he conceived it to have a direct reference to the common object charged by the indictment. He was, nevertheless, disposed to acquiesce in whatever should be the present opinion of the Court, and to withdraw the paper if that opinion should be unfavourable.

Lord Ellenborough said, there was certainly no reason for the Attorney-General to point out the diversity between the evidence supplied by this paper and that of the papers produced in Sydney's case. The only question here was, how far they might conduce to the manifestation of an intention to corrupt the minds

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Evidence for the Crown continued.

of the soldiery, and it was plainly difficult to trace the immediate application of this paper to the purpose assigned.

The Attorney-General desired merely to submit to the Court, that there was already evidence with respect to the going about and attempting to seduce the soldiers from their allegiance. It was to illustrate and enforce that evidence he had been induced to offer this paper, and, if he had acted erroneously, he should readily defer to their Lordships judgment by withdrawing it.

The Solicitor-General declared, that he was not inclined to press the reception of this paper, under all the circumstances of the case.

Lord Ellenborough remarked, that it was a question of admissibility under all the circumstances. The present impression on his mind was, that it appeared to be of too abstract a nature, and to have too little connexion with the direct object of the conspiracy. In cases of this kind, the inclination of the Court should be, toward the rejection of doubtful evidence against the prisoners; but he did not intimate by this general opinion, that the question would not bear a great deal of argument.

Mr. Justice Bayley said he was not convinced that the evidence of this paper was inadmissible, but thought, that in such a case as the present, the Attorney-General had exercised a wise discretion in withdrawing it. If an argument had been raised upon it, the inquiry, in his opinion, must have been whether the paper could be construed into a means devised in furtherance of a common purpose. The question, whether it was or was not evidence, depended entirely on this point; and the ground there was for contending that young Watson might have written this paper for his mere private use, rendered it the safer way not to agitate that question.

Mr. Justice Abbott observed, that if the decision of the Court had been called for on this subject, he should have desired that it might be previously argued; but he agreed that the Attorney-General had acted discreetly in not contending for the admissibility of this paper. With regard to the allusions made to Sydney's case, he did not understand the received principle to be, that the papers in that case ought not to have been received on the ground that they were unpublished papers. Both Mr. Justice Foster and Mr. Justice Blackstone concurred upon this point, and stated, that had they been closely relative to the charge, they would have amounted to substantial evidence. The fact, however, was, that, by the appearance of the hand-writing, they must have been written some years before; and they had besides no relation to the design the existence of which they were intended to establish. The consideration here was, whether the paper in question was relative or not, and he thought, as his Lordship had already expressed it, that it was too abstract to be admitted, and he went thus far only in order to guard against misinterpretation abroad.

Mr. Justice Holroyd thought it clear that the present question was extremely different from that in the case of Sydney. Farther argument would be necessary before this paper could be admitted, but he was not prepared to say that it did not amount to confirmatory evidence.

A paper was next tendered, consisting of hieroglyphics, and abridged characters.

The court, after looking at it for some time, asked the Attorney-General how it was possible to have it decyphered?

Mr. Wetherell. Perhaps it is some problem in algebra, of which the Attorney-General will have the goodness to give the solution.

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The Attorney-General said the greater part of it was intelligible. He would explain it: Atty. meant Artillery, H.D.G. Horse-Guards, F.G. Foot-Guards.

THOMAS HILLINGWORTH *sworn.*

Examined by the Solicitor-General.—He was servant to Mr. Leach, a gentleman at the bar, and went, on the 5th of November last, to a public-house in Long-acre, kept by a Mr. Newton. He sat in a small parlour near the bar, and saw four persons, one of whom was a young man, enter, not together, but one by one. He was accompanied by the livery-servant of a nobleman, upon the button of whose coat a crest was engraven. One of the strangers asked who made his master a lord. Receiving no answer, the stranger turned to witness and put the same question to him, and witness explained the matter as well as he was able. The young man also asked how the nobleman came to have so much land? adding, that the servant had a right to as much as his master, and that the time was fast approaching when he would be as good a man, and be in possession of as much property.

In answer to a question from Lord Ellenborough, the witness said he did not know, nor had any reason to believe at the time, that this person was young Watson.

The Solicitor-General remarked that this fact had been proved by Castle.

Mr. Wetherell said the identity of the whole incident at this public-house was doubtful, as Castle described the witness merely as an attorney's clerk, and not as the servant of Mr. Chancellor Leach.

The witness then proceeded.—Castle inquired whether there was a double guard at Carlton-house, and answered the question himself, by saying he knew it was so; adding, that a double guard would be of no use to the Prince Regent, as the soldiers would not fight for such a government as ours. He also added that the soldiers had been abroad, and had seen how merit was rewarded in France. This conversation ended in a quarrel between the parties.

Cross-examined by Mr. Wetherell.—His master, Mr. Leach, was at the theatre on the night in question, attending some ladies, and, therefore, witness went to a public-house. Witness knew that his master had the office of Carlton-house, in consequence of an appointment which he held. He was not sure which person of the four present said "the soldiers would not fight for such a government," but he thought it was Castle. There were no soldiers in the room, and one of the four said, they would talk no more with witness, for it was throwing pearls before swine.

Re-examined.—The room in which they then sat was never open to strangers when the master of the house was at home. The youngest man of the four said a livery was the badge of slavery. Witness thought that the prisoners, Watson and Thistlewood, bore a resemblance to two of them.

Cross-examined.—He saw three of the party at the Spafields meeting, on the 15th. He was there, because he lodged near the spot. He saw Watson on the right and Thistlewood on the left of Mr. Hunt. Castle also was there unfurling a flag.

Re-examined by the Solicitor-General. The room was open on this night?—It is not generally an open room—but, on this night the landlord was out, and his wife permitted persons to go in.

Mr. Justice Bayly. Was there any thing said of a *livery?*—Yes, my Lord, a *livery* was said to be a badge of slavery.

Which of them said that?—The young man, my Lord.

The witness was here desired to look at the elder Watson. Having done so,

The Solicitor-General.—Was he one of the parties there, that evening?—I believe he was. I would not swear—but he very strongly resembles one of the party there.

By Mr. Justice Abbott. Do you see any of the others in Court?—The man in the middle (Thistlewood) also strongly resembles a third person who was there. But I cannot so clearly speak to his person, as to that of the elder Mr. Watson.

Cross-examined by Mr. Wetherell. Did you ever see them before that time—or have you ever seen them since?—I saw three of them at the Spa-fields meeting; one of them was on the right of Mr. Hunt, on the top of a coach; and one was on the left. Castle unfurled the flag.

You were at the Spa-fields meeting then?—I lived down there. It was very little out of my way home; and I went through curiosity.

By Mr. Justice Abbott. What were the situation of the three?—The young man, to the best of my knowledge, was

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on the right of Mr. Hunt, the other, who resembles Mr. Thistlewood, was on his left. Castle was at the wheel.

Were this before they went into the house called Merlin's Cave?—Yes, my Lord.

JOHN DYALL sworn.

Examined by Mr. Topping. I know the prisoner at the bar, Watson the elder. I believe I have seen a person named Hooper—and I know a man of this name at Preston. I believe I have seen Thistlewood. I am longer acquainted with Watson and Preston than with the others. I think I became acquainted with them at the latter end of October, or beginning of November last. I know a public house called The Sun, in Slaughter-street, Spitalfields. I was in that house in the beginning of November last. I think it was on Monday, the 4th. I understood there was to be a meeting there, and I went to it, in consequence, about seven o'clock in the evening. There were two or three persons there, when I got to it—but the prisoners were not amongst them. In about a quarter or half an hour Preston came in. I had no conversation with him but public-house conversation, generally. I had no money myself to pay for any liquor. This I mentioned publicly, and Preston said, it was of no consequence—a pint or two of beer was no object. He did not like to see a poor man in distress. Some beer then came in, of which I partook. Watson, the elder, came in during this conversation. His son, young Watson, was also there. After being there for some time, we proceeded to business. The business, I understood, was, to petition for a Reform in Parliament. Speeches were made by the elder Watson at the meeting. The room was small, and I think the meeting consisted of about thirty persons. When they talked of petitioning Parliament, Preston said that petitions had been sent to Parliament so often, and were so little attended to, that they appeared to be no use in petitioning. I thought it irregular that a party should meet there to petition Parliament, and that no person should oppose it. I don't recollect that Preston proposed any thing in the place of petitioning. All he said came to the same thing, denying the utility of petitioning. Watson the elder produced a paper. The elder gave it as a memorial. He read it to the meeting. I was nominated that night for the Chairman. Young Watson was nominated Secretary to the meeting for that evening only, I believe. I attended at the same house on the Thursday evening following. I did not, at that time, know where Preston lived. I know a place called Greystoke-place, and have been there at the house, No. 9. An advertisement having appeared in *The Independent Whig* newspaper, convening the first meeting in Spafields, with my name prefixed to it, of which I knew nothing, Preston found it necessary to make out where I was to be found. I, in consequence, saw Preston at No. 9, Greystoke-place. Thistlewood was there. No person introduced me to him particularly. He came into the room where I was. He was dressed very much like a gentleman. This was before the first Spafields meeting.

Cross-examined by Mr. Wetherell. I am the same person who was called "*the green-coated Orator*" at the Westminster Election. The people like to see me at meetings, because they know me for an honest man, and I speak my mind. My name was used, in the first instance, without my consent. Application was afterwards made to me, and with great difficulty I consented. I agreed to put my name to the placard, because I thought the meeting was to petition Parliament—a Constitutional right which an Englishman cannot be deprived of. Preston said to me, I wish you to sign this paper, as Chairman of the Meeting at the Carlisle Arms. I said I had not been there. Aye, observed Preston, but your name appears in *The Independent Whig*, as Chairman. We want to a public-house, and, seeing my name to an advertisement for a public meeting for constitutional purposes, I said I would not frustrate the object they had in view, although I observed, it would be better if they had got some more respectable person to close the meeting over. I went to Spafields, but I did not claim the chair, nor was I put in nomination for it.

THOMAS MAKINS sworn.

Examined by Mr. Richardson. On Monday, November 4, I was at a public-house in Slaughter-street. I saw there the elder and the younger Watson, Preston, and Thistlewood. Watson, the elder, read a paper, which he called a Memorial. A proposition was made to call a meeting at two different houses. One of them was the Carlisle Arms.

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On or about the Thursday following, I attended a meeting there. The elder Watson and Thistlewood were present. About eleven shillings were paid by Thistlewood; the remainder of the reckoning was made up by a person, who, I am given to understand, was Watson, the younger. A person of the name of Smith, a neighbour of mine, went with me.

JOHN SHEFFIELD *sworn.*

Examined by the Attorney-General. I did keep the Carlisle Arms. On the 7th of November, there was a meeting of persons at my house. A tall man, about five feet ten or eleven inches high, paid me the reckoning. He gave me a £10 note, on which he put Thistlewood, Southampton-buildings. I cannot speak to that man's person.

WILLIAM DYER *sworn.*

He was a clerk from the Bank, produced a note, on which was written, "A Thistlewo," the rest was torn off. Mr. Wetherell objected to its being received in evidence, as there was no proof of Thistlewood's identity as the person who paid the note away.

Cross-examined by Mr. Serjeant Copley. The reckoning amounted to 6s. 6d. and if any person said it was more, he did not speak the truth.

WILLIAM SMITH *sworn.*

Examined by Mr. Gurney. On Monday, the 4th of November, I was at the Sun, in Slaughter-street. Dyall acted as Chairman. I saw the elder Watson there; but had no knowledge of the person of Thistlewood. On the Thursday following, I was at the Carlisle Arms. I saw three or four men there carrying placards for the Spafields meeting on their backs. Preston was in company with them, and paid them.

Cross-examined by Mr. Serjeant Copley. I saw Preston give them money. I do not know the amount, or whether it was for carrying placards or not. The meeting at the Sun I always understood to be for Parliamentary Reform.

Re-examined by Mr. Gurney. I heard Preston tell the men to roll the placards up, and to meet him the next morning.

ROBERT EMERY, *sworn.*

Examined by Mr. Richardson. I am landlord of the Union public-house in Union-street, Shoreditch. Before the Spafields meeting, 40 or 50 persons assembled at my house. A person, who said his name was Watson, gave me a note to pay the reckoning.

JAMES SKINNER, *sworn.*

Examined by the Solicitor-General. I have seen the elder Watson, the prisoner at the bar. I think I first spoke with him at the Nag's Head in Cranbourn-market. In or near the month of November last, I took a walk with him and Castle. We went up towards the Regent's Park. We walked through King-street, Portman-street, and into Hyde Park. When we came to the barracks, in King-street, Watson and Castle stopped, and I walked on. One of them said, he had been at the barracks before, but I know not which of them. There was a dispute between the two about the entrance into the barracks, but what the particulars of the dispute were I do not know. I left them in Piccadilly.

THOMAS OSBORNE *sworn.*

Examined by Mr. Gurney. I know a man of the name of Castle. A few days before the first Spafields meeting I had a conversation with him. I told him I was out of work, and that there were several more, at the Constitution Public-house, at Lisson-Green, who were in the same situation. On Monday night we met at the Constitution, and Thistlewood treated me to beer. Very few navigators used the house at that time, the canal cut having been finished. Castle directed me and some others to go to the Cock in Grafton-street, the next day. We did so—and had a shilling each given to us. Great bills were stuck upon our backs, and small ones were given to us, to hand about. There were six of us. We went two by two into the parlour to have the bills put upon our backs. I recollect Preston and Castle being present—but no one else.

Cross-examined by Mr. Wetherell. This was about a week before the first Spafields meeting. Some navigators continued to hang about Paddington. There might be a great many of them at the Constitution, without my seeing them, as I was there principally at meal times.

Mr. Gurney stated, that he had all the other bill-stickers in attendance—but did not think it necessary to call them.

THOMAS WOOD *sworn.*

Examined by the Attorney-General. I am landlord of the house, No. 9, Greystoke-place, and was in the months of October and November last. I was applied to about that house some time before Michaelmas last, by the elder Watson. I understood he wanted

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the trouble to carry on the profession of a surgeon. I let it to him before the quarter-day. Previous to that he was to pay me by the week. He was afterwards to pay me by the quarter, at the rate of £36 per year. He proposed to make a door in the passage, which I agreed to.

Cross-examined by Mr. Serjeant Copley. Mr. Watson is a surgeon, as I understand. A surgeon lived in the house before, and had such a door as that which Mr. Watson spoke of.

Re-examined by the Attorney-General. The alteration proposed by Mr. Watson was never made.

In answer to questions put by Lord Ellenborough, the witness said—"I often passed by the house, but saw no appearance of business there. I wondered to see it in the state I did. I never saw any thing to indicate that the business of a surgeon, or any other, was carried on in that house."

MARY ABDEN *sworn.*

Examined by the Solicitor-General.—In November last, I had the care of a house in Seymour-place, belonging to Mr. Comer. It was about a quarter of a mile from King-street, and the same distance from Portman-street barracks. I do not recollect any person in particular applying about the house, in November last. I referred several persons to Mr. Cosser, who lives at No. 4, Millbank-street, Westminster, about the latter end

WALTER COSSER *sworn.*

Examined by Mr. Topping. I am a timber-merchant. I own two houses in Seymour-place. In the latter end of October, or beginning of November, a young man, calling himself James Watson, applied to me to take the house unfurnished, a shop attached to it. He referred me to Mr. Thistlewood, Southampton-buildings, Chancery-lane. He added, Mr. Thistlewood was a man of fortune, and would speak to his fitness to be a tenant. I went, in consequence, to Southampton-buildings, and asked for Mr. Thistlewood. I was shewn up stairs to a back room, and saw a person who represented himself to be Mr. Thistlewood. I told him of the application of Watson—and, to the best of my belief, he said, that Watson's father was a respectable farmer in Lincolnshire—that Watson had a considerable deal of land, which he farmed to a considerable extent—and that he (Thistlewood) would be answerable for him, on every score. A person afterwards called on me about Watson's application—and I either told the person, or sent an answer by my servant (I do not know which) that I would not let the house. The witness was here desired to look at the prisoner, Thistlewood, which having done, he declared, that the difference of dress was so great, that he could not speak certainly to him, as the person whom he saw in Southampton-buildings. He was at that time dressed in a blue coat and Wellington trowsers. Watson told him he wanted the house for the sale of seeds and oil. He applied for the house for himself. Witness could not speak positively to the person of Thistlewood; but to the best of his belief, the individual then pointed out to him, was the man he saw in Southampton-buildings.

Cross-examined by Mr. Serjeant Copley. To the best of my recollection, Thistlewood said, that Watson's *father* (not his *grandfather* or *family*) was a farmer.

In answer to questions proposed by Lord Ellenborough, witness said, "The rent of the house was £60 per year, and the fixtures, amounting to £7 or £8, were to be paid for. I rather think I told Watson, not liking his reference, that I would not let the house to him, without he paid the rent in advance.

MARGARET MARIA FOULKES *sworn.*

Examined by Mr. Richardson. I lived with Mrs. Corbould, of Southampton-buildings, in the month of November last. Mr. Thistlewood was a lodger there. I recollect he was frequently visited by a young man, called Watson. There was also an elderly person of the name of Watson, who used to call. He was a Doctor; and, when I was ill, prescribed for me. Thistlewood used to dress in a light blue coat and coloured trowsers. His hair appeared lighter then than now.

ELEANOR CORBOULD *sworn.*

Examined by Mr. Topping. I have a house in Southampton-buildings. Thistlewood and his wife came to lodge there in the middle of November, and left on the 2d of December, the day of the riots. On Sunday, the 1st of December, two gentlemen, named Evans, dined with him. He went out on the morning of the 2d of December, and I understand he came there in the evening, but I did not see him. He gave me no notice of his intention of going away.

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BARBARA SWEEDE *sworn.*

Examined by Mr. Richardson. I keep the Constitution public-house, at Lisson-green, and recollect some men coming there, in November last, and treating the navigators with beer. Some bills were laid on the table, but I do not know that they related to a meeting at Spa-fields. A bill was put up in the parlour by some of those persons who treated the men, but one of our parish-officers took it down.

ISAAC BENTLEY *sworn.*

Examined by Mr. Gurney. I am by business a smith. In November last, my work-shop was at No. 26, Hart-street, Covent-garden. I worked in the cellar-kitchen. I know a man of the name of Castle. He applied to me for leave to make a pattern at my forge. I made one myself, but did not finish it. He took and filed it up himself. He took it away with him, and I saw it no more. I saw Castle about an hour afterwards, and he told me to get on in making some similar to the pattern. About 50 I think, but I cannot exactly tell. He told me they were to be put on a fence or rabbit-warren. I made, in all, 250 of them. He gave me 10s. in advance. They were made against the 9th of November, Lord Mayor's Day. Castle and another person came to me on that day, with two nail-bags to put the instruments in. I stood by while they put them into the bags. I was paid for them at Mr. Winkfield's, the corner of Leg-alley, Long-acre. I made a bill of what they came to, but am not certain whether they took it or not. I know that I gave them no receipt. I did not hear the name of the person mentioned who was with Castle.

[A great number of the alledged pike-heads were shewn to the witness, who identified them as those he had made for Castle. They are each about eleven inches long—pointed at both ends—and one end a little jagged.]

Cross-examined by Mr. Serjeant Copley. I am quite certain that I gave no receipt. These are things manufactured for sale. I call them *spikes* not *pikes*. When Castle ordered the first of them, John Harrison was with him. Castle said they were for a rabbit-warren or fence. He filed up the pattern, and made it sharp at the point. Those exhibited in Court, were not filed up. Castle gave me an order first for 50, then for 250, then for 500, and at length for as many as I could get made. He did not apply to me to file up the 250. I never saw him before he came to my shop.

In answer to a question from Mr. Justice Abbott, witness stated, that he never before had made anything like those exhibited for fences.

THOMAS WINCFIELD *sworn.*

He kept a public-house, at the corner of Leg-alley, Long-acre, and recollected Bentley, and two other persons (one tall, the other short), coming there in November last. He changed a pound-note for Bentley.

THOMAS COX *sworn.*

In November last, he was in the employ of Messrs. Parkes and Co. of Brook-street, ironmongers, and recollected a person in that month coming to his master's, and purchasing two nail-bags. The person was about five feet nine or ten inches high.

It being nearly half-past six o'clock, the Court intimated that it might be proper to adjourn the further proceedings till the next day.

The Court adjourned accordingly.

FIFTH DAY,

FRIDAY, JUNE 11.

The prisoners were put to the bar as usual, at a little after eight. At half-past eight, Mr. Justice Abbott attended to hear motions of course, and the whole court assembled at a quarter past nine.

WILLIAM TULL, *of the Old Mint, sworn.*

Examined by the Attorney-General. He deposed that he was a clerk in the Ordnance-Department, and had resided in the Tower twelve years; the plan of the Tower, which was found in Hyde-street, was shewn to him, he observed was a rough sketch of the interior of the Tower, and not drawn according to any scale.

Cross-examined by Mr. Wetherell. He said he was not an antiquarian; any person might have drawn such a sketch as that produced; there was no great skill required in making such a plan. He had never seen the plate of the Tower published by the Antiquarian Society. He did not know that there was a print published and sold for 2s. of the interior, exterior, and sections of the Tower. (A plate of the

Tower was got into the hands of the witness).

Mr. Justice Abbott asked the object of this piece of evidence?

Mr. Wetherell said that if the manuscript sketch were put in by the crown to prove that the defendants were going about to inspect and take drawings of the Tower, he rebutted the statement by producing a regular plan to be bought any where at a very low price.

Lord Ellenborough said that inquiries into the correctness of the plans of the Tower facilitated its invasion, which no good subject would wish to do.

Mr. Wetherell agreed not to pursue the inquiry; he could have no such object.

WILLIAM THOMPSON *sworn.*

Examined by Mr. Topping.—He was a victualler residing at the corner of Greystoke-place, Fetter-lane. He knew the house, No. 9, Greystoke-place; it consisted of two rooms on a floor, the back rooms were lighted from a sky-light on the top of the stairs; his father was the ground-landlord. He did not know the prisoner Watson; a great many applications were made to him in the month of September by persons wanting to take the house. He did not know any of the prisoners at the bar.

MARY KINSLEY *sworn.*

Examined by Mr. Gurney. In November last she lived at No. 1, Dean-street, Fetter-lane. Watson the elder took a lodging there before the second meeting in Spafields; he was there only five days; he came on the Wednesday, and on the Monday following, the day of the riots, he went away. He took the lodging for himself and his son; it consisted of one parlour with a bed in it. As far as she knew, they slept there every night, as the bed was to be made daily towards the evening. They had both keys of the room; the street door was always upon the latch. On the Sunday, the day before Watson went away, there came several persons in the room at the time she took in dinner; some of them she believed; she had seen there in the course of the week. She could not swear that Hooper was there, but somebody rather like him. She remembered seeing Preston there, and Thistlewood, but the latter had altered his dress; he used to wear light grey pantaloons, a dark blue or green coat, and a white neckcloth. When they were there on the Sunday she saw pens, ink, and paper, on the table. They might frequently go in and out of the house without her seeing them. On Monday morning, about 9 o'clock, she found that the two Watsons had gone out, leaving the windows closed. She did not see either of them again till candle light, when the elder Watson came. He asked if the witness had seen his son; and she told him she had not. He said his son had got the keys of the parlour, and he could not get in. The witness's husband gave him another key, and after that she had not seen him until the present time; he had said nothing about leaving the lodging. Some great coats were in the room at night, and the next day she found them gone: a small dressing case and an ink-stand remained in the witness's hands for some time. A young woman came on the Tuesday, bringing a key, which the witness's husband took from her, and she fetched her father, Preston. The witness never saw young Watson after the day of the riots.

To questions from the Court, she said, that there were three keys to the room, but she had never gone into it while the Watsons were not both on the Monday night.

JOHN GIBLING *sworn.*

I belong to the 3d Foot Guards. I was quartered for some time at the City of Norwich public-house, in new Norfolk-street, near Park-lane. There I became acquainted with Castle, who treated me, and four young men, servants out of place, with beer three times. Once a gentleman dressed very genteelly, in a great coat came with him. I do not recollect if he was Mr. Edwards or Ibbet. Castle said that the gentleman with him had been a lieutenant, and had lately come from France. I had lately been there myself. I was talking about different parts of Paris. I had just been reduced from the rank of a serjeant, and had a serjeant's jacket on. I told him how I came to be reduced, and Castle said it was a pity I should have been reduced for such trifles. We spoke of the French army: he observed the reputation went no faster there than in England. I might be an hour in company with them, they paid for the beer, and he walked down the street with them as far as near Bond-street. Castle called me out, and asked me where I should be on the following day, as he would come and give me something to drink. This was a very little time before the riots. As Castle talked about the Spafields meeting I said I expected to be on the King's guard

next day; but if not, I would send them word where I was. They then conversed together in a low voice, and Castle said he would come to the King's guard and find me out, but he would not give me his address.

Cross-examined by Mr. Wetherell. I was a serjeant at the battle of Waterloo (a Waterloo medal hanging from his breast). I was not reduced; I resigned my situation. Norfolk-street might be half a mile from the Knightsbridge barracks, where my regiment was quartered. I was not in my full regimentals; we are not allowed to go out in the evening in full uniform. I had on grey pantaloons and a red scarlet jacket. Castle began the conversation with me: I had seen him twice before he brought the gentleman with him. Castle made me believe he was a townsman of mine from Knaresborough; that he knew my father, sisters, brothers, and all my family: this he told me the first time I had seen him. We were playing at balls and drinking beer at the last conversation, and I did not much attend to it. I told him I had been a serjeant. It was the gentleman, at the third meeting, said that it was not right to degrade for such trifles. I never saw the gentleman afterwards, but I think I saw Castle: he came down to the Theatre after me.

Re-examined. I had enough of my dress on at these conversations to show that I was a soldier. I was degraded in consequence of something about a woman.

JAMES BROWN *sworn.*

Examined by the Attorney-general. I am a soldier in the Coldstream regiment. I know the Stone Kitchen in the Tower. I was there two or three days before the Spafields meeting, and saw somebody very like Hooper. I was invited up stairs, and I remained there for ten minutes or a quarter of an hour: a man there had a bunch of threads which he took out of the inside of the crown of his hat; they were dark colours. I did not hear him make any particular observations, but asked several of us soldiers if we had seen any thing like them before. He then asked us, should we not like to have a big loaf? and added, that there were very few soldiers who did not, like others, feel the distress of the times, which would never be better till there was a new or a fresh set altogether, or words to that effect. I was in my regimentals. I do not think I had seen the man there before. I did not pay for the beer which I drank.

Cross-examined. I cannot say how many soldiers were there. The conversation might last a quarter of an hour. I do not swear that it was Hooper I saw. I did not attend much to the conversation, which was general and public.

Examined by the Court. I do not recollect that the Spafields meeting was mentioned. I do not know Castle.

WILLIAM HARRIS *sworn.*

Examined by the Attorney-General. I am a soldier in the Coldstream regiment. I was in the Tower in the month of November. I remember the riots in the Minories: before that I had been at the Stone Kitchen; perhaps a week before it. I recollect two persons coming in and calling for beer. I should know them if I saw them. (He pointed out Hooper as one of them.) He called for a pint of beer, and began talking with the soldiers in the room; there might be a dozen of them there. He called for half a gallon more beer, which was drank by him and the soldiers. Some papers were dropped at the side of the table, and Hooper desired us to hand them about to our comrades after he was gone. I cannot read. Nothing was said as to what the papers were about. The gentleman with Hooper asked, if we should like a big loaf? and we answered, "Yes, as big as we could get it." Then they asked what we should do if the mob came into the Tower, and the soldiers answered, "We should do our duty." Next they inquired, If we should like to get out of our regiment? Some of the soldiers answered, "if we did we should be starved to death." They replied, "No, no, you would not." And that was all that passed in my hearing.

Cross-examined by Mr. Serjeant Copley. We should not be afraid of a mob attacking the Tower. The conversation

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Trials for High Treason!!

FAIRBURN'S EDITION,

No. 15.

Evidence for the Crown continued.

was general. The name of the landlord is Robson. I heard nothing wrong pass; and, if I had, I should have told our commanding-officer. Many gentlemen gave soldiers a pot of beer now and then. I should know the other man if I were to see him: one talked as much as the other, and they must have heard each other. It made no impression upon me: I told my comrades we had had some beer given us.

CHARLES NAILOR *sworn.*

Examined by the Attorney-General.—I am a labourer. In November last I was a soldier in the Coldstream guards: we were in the Tower shortly before the riots. I was at a public-house called the Golden Chain, not many days before the disturbances in the Minories. Two gentlemen came in, and called for a pot of porter: Hooper was one of them: they asked me to accept of a pot of porter: I drank it, but they drank none of it. They rolled up some hand-bills and put them into my hand slily, telling me to look at them when they were gone. The other was a taller man than Hooper, and he gave me the bills: they added, if we would be ruled by them, they would make us gentlemen in a very short time. As I could not read, I gave the bills to my comrades, and a man named Buchannan read them, in the mess-kitchen, to the other soldiers.

Cross-examined by Mr. Serjeant Copley. I did not attend to the bills, and took very little notice about them; there was very often a mixed company at the Golden Chain: it was not very unusual to ask soldiers to drink, but it was very seldom soldiers met with such friends as those.

Examined by the Jury. I do not know which of the two spoke the words about making us gentlemen: it was the tall man who gave me the bills, and I think he spoke the words: but the other could hear them.

GEORGE BUCHANNAN *sworn.*

Examined by Mr. Topping. I am a soldier of the Coldstream guards: Nailor brought me some printed bills, and desired me to read them; I was in the mess-kitchen: I read one aloud to about a dozen or fourteen soldiers. The bill mentioned some millions in a starving condition in this country, and that their brothers in Ireland were in the same state, and were ready to rise at a minute's notice: I do not recollect anything about a meeting in it.

Cross-examined. I only read it once, but I recollect those expressions: I read it so that all the men there could hear me: I gave the paper to Nailor again.

Nailor was recalled, and admitted that he had received one of the bills back, and had destroyed it.

JAMES CHAPPLE *sworn.*

I am a publican in Long-acre: I lived there in November last: my house is used by the soldiers attending the theatres: I remember before the meeting in Spa-fields two persons came in, when several soldiers were in the house: they treated the soldiers with two or three pots of beer: I never saw the men before, but they came again the following evening: I do not think it was either of the prisoners.

Mr Wetherell objected to the extreme generality of this evidence, and the Court admitted the objection.

WILLIAM HILLIER *sworn.*

Examined by Mr. Topping. I am a publican. I keep the Tower-tap in St. George's Fields: a gentleman of the name of Maudslay has an iron-factory near, and three or four of his men generally dine at my house at one o'clock: I know Preston and Castle: they came to my house in November last, a few days before the riots, and others were with them of their party. Bills of the meeting had been brought before

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that time. While Preston and Castle were there, some of Maudsley's men came in, who had some beer given them. I do not recollect any thing that was said to Maudsley's men by Preston and Castle on going away, except the words "you will be there;" and the men answered "we certainly shall." Castle came afterwards, often at the dinner hour; I never saw Preston at my house but once.

RICHARD STATHAM *sworn.*

I am a soldier in the Coldstream guards; last November and December I was stationed in the Tower: I remember the riots in the Minories; and shortly before that day, two persons came into the Stone-kitchen, one of them was Hooper. About a dozen soldiers were there, to whom the persons gave beer; one of the two took hold of a pot of beer, and said, "Success to a big loaf;" after that they had five or six pots more, but I heard none of the conversation: they remained about half an hour, and at going away, the tallest of them came up to me and called me countryman, saying that he came from Sheffield, in Yorkshire; they gave me a shilling for more beer, and promised to come again on Sunday. The Yorkshireman gave the toast about the big loaf.

WILLIAM MORTIMER *sworn.*

This witness was also a soldier in the Coldstream Guards, was stationed in the Tower during last November and December. Remembered having seen two men at the Stone Kitchen; Hooper was one, but the other was taller; Statham, the former witness, was present; did not remember any conversation about the Spa-fields meeting; saw some papers or bills, but not being a scholar, could not say what they were. One of the men, Hooper he was sure, gave Statham a shilling for beer.

Cross-examined. Remembered that one of the men was a stout tall man, and called himself a Yorkshireman; was quite certain that Hooper gave Statham a shilling for beer. He took particular notice of him; Statham was standing at the bar, and could see every thing that was going on.

THOMAS ROBERTSON *sworn.*

I am a soldier in the Coldstream regiment. I was stationed at the Tower in November and December last. I remember the day before the riots two gentlemen were in the Stone Kitchen in the Tower. I do not remember any thing particular being said; but one of them, the shorter of the two, took a large bunch of ribands out of the crown of his hat, weaved it round his head, and said, "I hope we shall all wear these colours to-morrow."

Cross-examined. I do not know the man who did this. There were two, one tall the other short, and, to the best of my belief, it was the shorter.

Court. Was it any of the prisoners?

Mr. Gurney. I believe that the shorter man is not here.

Mr. Wetherell. This evidence seems to have nothing to do with the case.

Court. It does not apply to any individual, but goes to shew that there was a general plan.

WILLIAM DUKE *sworn.*

I live in the New-Cut, between Blackfriars-bridge and Westminster-bridge. I have a number of carriages for sale. A short time before the meeting of the 2d of December, in Spa-fields, two gentlemen called on me, the one was tall, the other short: they applied to me for a stage. I had one which had been a mountebank's stage, and they said it would suit their purpose. I asked 10l. for it; upon which they hesitated, and then said that they wanted to hire it. I told them I never let any thing out. They said they wanted it to go to Spa-fields to make speeches from, and that if any thing happened they would make it good. I refused to comply with their wishes.

WILLIAM WARE *sworn.*

I remember the meetings in Spafields. After the first meeting Castle asked me to recommend him to somebody that he could borrow a waggon from. I recommended him to Mr. Windermude.

W. WINDERMUDE *sworn.*

I live at Horseferry-road. On the Wednesday before the Spafields meeting on the 2d of December, a person, whom I have since found to be Castle, applied to me for a waggon. He said to me that Mr. Hunt had a few speeches to make; that government had offered to build him a hustings, but that he would not accept that, and wanted to speak from a waggon. We had this conversation at the sign of the Ship, in Horseferry-road. I saw him again on the Sunday following, and Hooper with him. They sent for me to the Ship; I received directions where to be next morning: both of them gave directions. I was to take the waggon to the top of

Chancery-lane, in Holborn. I believe they had hand-bills with them. One of them was stuck up in the tap-room by Castle; it remained there; but was down the next morning. Castle had some ribband with him, and cockades in his hand and inside of his hat. He had in his great coat pocket about 50 yards of coloured ribband, which was not made up in cockades; he gave me a bit, and the servant a yard and a half. He wanted me to dress the horses with this ribband. He said it was what we are all to be decorated with to-morrow morning. I and my boy went next morning to Chancery-lane; while waiting there Hooper and Castle came; they told me to stop there until they returned. They came back in about a quarter of an hour: in the mean time two gentlemen came and asked whether I was going to Spafields. Castle and Hooper then came, and brought something wrapped up in what appeared like a blanket, and something in a cloth like a handkerchief; the blanket proved to be wrapped about long poles. Two gentlemen on foot, whom I did not know, walked before me. I was desired to follow them, one I believe to be Thistlewood, and the other, by the description of him afterwards, I believe to have been young Watson. They spoke to Hooper, who rode in the waggon all the way. When we came to Spafields, Hooper told the waggoner to stop; and I believe the two gentlemen also desired it to stop. I had received from Castle 10s. earnest for the waggon when he first spoke about it; and he gave me £2 on the Sunday morning. I was to have three guineas in all, so that 13s. remained due. When we got to Spafields I applied for the remainder. A person, who to the best of my knowledge, was with Thistlewood or young Watson, said, there is no occasion for any fear; if it were 500l. it should be paid. There many speeches made, but I did not hear them. I heard the last speaker say, "follow me;" and they got out of the waggon and followed him. The colours, which had been hoisted on the poles, went away with the mob. After they were gone I found a piece of cloth, like a handkerchief, an old glove, containing bullets and slugs, and some powder in a canister. I gave these articles to my son-in-law, who took them home; I am not quite sure, but think Castle put them in the waggon in the presence of Hooper.

Cross-examined. When Castle came first to me, he said, he wanted to hire a waggon for Mr. Hunt to make speeches, and that Government had offered to build hustings for Mr. Hunt; he was alone. Hooper came with him on the Sunday following. I cannot say positively who put the bullets and powder into the waggon, nor who spoke from the waggon; but, from the description, I suppose it to have been young Watson. I cannot undertake to say that he was the person who used the words "follow me:" I was in front of the waggon, standing by the shafts; those were the only words I could hear, there was so much noise and bustle.

In answer to a question from the jury, the witness said, that the glove which contained the bullets was a worsted glove.

THOMAS JOHN YEOMAN *sworn.*

I am step-son to the last witness. I received a worsted glove from Windermude, containing bullets and a canister of powder, all of which I gave to his mother. Gilmore, the police-officer, soon after went to the house, and received the powder and balls.

JAMES GILMORE *sworn.*

I am a police-officer of Queen-square. I went, on the morning of the Sunday after the Spa-fields meeting, to Mr. Windermude's. On the Wednesday following I received the glove with the bullets and the canister with the powder. There were about sixty bullets in the glove and half-a-dozen slugs. The canister contains about a pound of powder.

The witness produced the glove containing the bullets and the canister. (A tea-canister.) The glove had the appearance of an old stocking, and was tied with a bit of tri-coloured ribband.

ANN HAYES *sworn.*

I lived in November and December last servant at the Ship public-house, Horsefarry-road. I saw Castle twice there, shortly before the Spafields meeting. I remember seeing him the second time in company with Windermude and another person. He gave me a piece of ribband. (Here the witness produced the ribband, which was red, green, and white.)

W. Windermude being called back, proved that the piece of ribband tied round the glove was that which he had received from Castle. [On comparison,

it appeared to be the same as those produced by Ann Hayes.]

THOMAS STACEY *sworn*.

I live at Queen-street, Camden-town, and have a shop in Charlotte-street, Portland-place. I remember Castle being with me about two sabres, sometime before the second Spafields meeting. It was about a week after he bargained for them before he took them away; but he did not take both sabres, he took a sabre and dirk.

Cross-examined, — I knew Castle before this.

GEORGE FLINT *sworn*.

I am a pawnbroker, 69, Edgware-road. I remember selling a pair of pistols, for which he had bargained and paid for in part. He bargained for another pair on Saturday morning, for which he paid on the Saturday evening, and took them away on the Sunday morning. I am not accustomed to do business on a Sunday, but I thought it right to let him have them on account of the purpose for which he said he wanted them.

One of the Jury asked what was the purpose, which Castle had mentioned. The witness said that he represented himself as a Bow-street patrole, and stated, that great disturbances were expected at the Spafields meeting, and it was necessary they should all go there well armed.

WILLIAM MILLS *sworn*.

I am foreman to Mr. Parker, gunsmith, Holborn. (A pair of pistols, produced by Stevens, as having been found on Hooper, were shewn to this witness.) He stated, that he sold them in November last to a young man who gave his name as Watson, and his address, Hyde-street. The young man came on the same day, and bought two more pistols. The witness being shown the pistol with which Mr. Platt was shot, stated, that that also was one of the four pistols he had sold. He was then shown the pistol which had been found on old Watson at Highgate, and stated that it was the fourth.

This was the last witness called on the part of the prosecution, and at half-past 12 the Attorney-General stated to their lordships, that he had called all the witnesses he thought necessary, and had for the present finished his case for the prosecution.

THE DEFENCE.

Mr. Wetherell now proceeded to address the Court and the Jury for the prisoner. It was his duty to call their attention to an indictment on the most extraordinary charge that had ever occurred in this country, and such as he hoped would never occur again—a charge of the most absurd and futile description, and founded on circumstances as ridiculous as the length to which the record was run out was unexampled. It was indeed a record for which there was no precedent in any of the offices of his Majesty's Courts—a record, the like of which had never before been drawn up by any law officer of the Crown—a record, which no officer of the Crown ought ever to have drawn up—a record, not of one, two, or more facts, leading to a clear conclusion in law; but an indictment containing a volume, out of which the charge is to be wrought by implications and constructions equally illegal. A record of this kind, he must again repeat, was one which it did not become the officers of the Crown to exhibit, which his Majesty's Attorney-General ought never to have sanctioned with his name, and which, without any wish to impute blame any where, he would pronounce, though not formally, yet virtually and substantially, illegal. The indictment accused the prisoner of four separate and distinct kinds of treason. The first was, compassing and imagining the death of the King: that was a description of treason which might consist in the conspiring the actual destruction of the life or the assassination of the Sovereign. The second treason was also one which might consist in the contemplation of personal harm or bodily restraint—namely, the conspiring to depose the King. The third treason charged is the levying war against the King: and the fourth is the conspiring to levy war against the King, in order by force and constraint to compel the King to change his measures. These were the four

clauses of treason charged in the indictment, on which the unfortunate prisoner at the bar and his companions had been brought to trial. Before, however, he proceeded farther with the consideration of the treasons thus charged, or entered into any argument on questions of law or of fact, he could not but draw the attention of the Jury to a remark which had been made by one of the most learned and pious judges that ever adorned the bench—he meant Mr. Justice Foster. That venerable judge wrote a volume on the law of treason, which is looked up to as a record of the highest authority for legal and constitutional learning on that subject; and which, in his preface, he recommends to be read, not from vanity, but for the same reason as that for which he now wished to bring the sentiment there stated under the notice of the Jury; for it was one to which the business before them proved they and every man in the country ought to attend. Mr. Justice Foster in his preface observes, that "the learning touching these subjects is a matter of great and universal concernment. It merits, for reasons too obvious to be enlarged on, the attention of every man living; for no rank, no elevation in life, and let me add, no conduct, how circumspect soever, ought to tempt a reasonable man to conclude that these inquiries do not possibly concern him. A moment's cool reflection on the utter instability of human affairs, and the numberless unforeseen events which a day may bring forth, will be sufficient to guard any man conscious of his own infirmities, against such a delusion." Such was the observation of Mr. Justice Foster; and when the Jury looked at the situation of the prisoners, and recollected what had transpired in evidence, how was the justice of that observation illustrated and confirmed? When they considered what mischief might be done by such a wretch as Castle, they would be convinced that no man could be certain that any circumspection would afford him a sufficient security—that though he were to throw around himself every circumvallation which the greatest caution could suggest, he would not always be able to escape all the snares which might be laid for him. He had introduced this remark purposely to draw the attention of the Jury in the outset of Mr. Castle—that man, who by the basest artifices had made the prisoners his dupes; and who, if there was any crime, any treason, had so far proved himself the author of it that the whole must be considered as originating with him. He would not, however, go into the consideration of the question whether there be any proof of participation on the part of the prisoners in any offence whatever, or whether the whole was not to be attributed to this infamous man, until he had travelled through the preliminary part of the case. But he should now just mention what he was confident he would be able to prove—that it was only by a mere accident that Mr. Hunt had not been so inveigled by this fellow, Castle, as to be placed in the same situation as the prisoners. He would say this by way of anticipation, that he would show the same artifice which had been employed against the prisoners to have been applied to Mr. Hunt, to draw him into situations which might make him pass through the cold sweat of a trial at that bar. Having stated this much, he must now observe, that his object was rather to consider the law of the case than to enter into any minute discussion of the facts; because, with regard to the facts, he was sensible the Jury would weigh them with the greatest deliberation; and that, from the attention they had paid to the evidence, all the circumstances would present themselves to their judgment in a more accurate manner than they could be exhibited by any view he might take were he to follow them in detail. When he referred to them, therefore, it would be chiefly for the purpose of general remark. In calling their at-

tention, then, to the law of treason, he must state, that he held it to be a clear proposition in the law of England, and one which he never meant to question, that an intention to do bodily harm to the Sovereign, or effect any restraint on his person, is treason of that description which, in legal language, is styled compassing and imagining the death of the King. Making, therefore, this most full and ample admission, let the Jury look at the first charge of treason in this indictment. When they recollected his Majesty's years; when they recollected the malady with which it had pleased Providence in its dispensations to afflict him; when they recollected that, at the age of 80 years, after a long life, eminently distinguished for public and private virtues, he had retired from the administration of his high functions; and, above all, when they recollected the cause of that retirement, it was not too much to say, that human nature had imposed a barrier against the commission of this first recited treason. No man possessing the feelings of human nature, no being in human shape, could contemplate the personal destruction of the King. Every individual knows that the government of the country is now administered, not by the King, but by the Prince Regent No person of common understanding, then, could think any personal injury to the King capable of being connected with any political view. Were there any such traitors, it would be sufficient to say to them,—Why contemplate a crime by which no object can be gained? So far then as relates to this part of the record, I shall content myself with saying, that it is a proposition which the common feelings of mankind must reject as an untruth. As to this point, however, it may be worth while to recollect, that not one expression of disrespect to the Sovereign, or to any of his august house, had, during the long train of evidence to which they had listened, been proved. There was not the slightest appearance of any propensity to such language, except in that man who came forward to accuse the prisoner, who had pronounced the infamous toast he acknowledged he had given in Bouverie-street. The first treason, therefore, though often put on the record, can have no application to this case. If it be inserted merely as an allegation of form, common in indictments for treason, he had no objection to it; but if put for the purpose of inferring that the prisoners contemplated any injury to the Sovereign, it was a charge of the most perfect puerility ever advanced in a court of justice. With regard to the second charge, that of conspiring to depose the King from his kingly dignity, it was certain that, as the law now stood, that was treason. The Attorney-General stated, that the treason charged in the second count, and that charged in the fourth, namely, conspiring to levy war to compel the King to change the measures of his Government, were substantially the same. There is, however, none such in the old statute of Edward III. Conspiring to overawe the Parliament was indeed made treason by the statute of 1795. He should not stop to inquire whether the statute of 1795 has not varied the law on the subject of treason: but if, as the Attorney-General says, the 2d and 4th counts embrace one and the same treason, then he would ask why are both these counts inserted in the indictment? Nay, he could not conceive why the framers of the record had introduced either of these counts, especially as the Attorney-General says that the object of the conspiracy was to overturn and destroy the whole system of the Government. If that be the case, why had not the indictment been confined to the first count, which is compassing and imagining the death of the King: but it was wished to prove something which might look like treason; the first something founded on the second, and then something on the third and the fourth.

This was a sort of cumulative treason, because none could be found of one single description, it was resolved to shuffle in all the four, in order, if possible, to obtain by confusion that which could not be obtained by fair and direct means: but he did not mean to argue whether the second and fourth treasons came under the statute of Edward III. or not. It was not so much his object to complain of their being on the record, as merely to shew that the Crown lawyers had introduced them there unnecessarily. Supposing that the statute of Edward embraced the whole of the four descriptions of treason in this indictment, still the only facts which could have deserved the consideration of the Jury in this case would have been those which are applicable to the charge of levying war against the King; and it was on that account he complained of the course of confusion which the framers of this indictment had chosen to follow. Of the other three treasons no attempt had been made to bring forward a single fact of evidence. There was not the possibility of offering any fact of that kind that could be seriously considered: but, with regard to the third count, it was not merely levying war, that was sufficient, the persons so offending must also be proved to have in view to put up another Government. Of this there was not an atom of proof, except the miserable scraps of paper which had been introduced. How different was the case in the year 1794, the object charged then was not only to overturn the Government, but to replace it by a new one. The charge was the assembling a Convention of the delegates of the People, which was to set up a Republic. At that period, before the tyranny which afterwards took place in France had developed itself, there were many persons in this country who thought that a Convention would be better than the Parliament; and many were of opinion that a change of Government would bring with it an amelioration. The parties then accused were numerous and powerful. The Government of France had just been overturned by Jacobin societies, of which there were not less than 40,000. In Great Britain the number of persons who had associated in similar societies were not less than 300,000, at a very moderate computation. They were a class of persons intimately connected by correspondence and affiliation a class of persons calculated to excite alarm, from their physical strength and resources. He did not mean to say whether the charges then brought forward were well or ill founded; he would only argue that they were more plausible than the present; that the plan then imputed had more probability of success. It would be almost a waste of time to compare those persons with the prisoners—with a society consisting of two poor apothecaries, a broken down gentleman, and two coblers These men were to accomplish the object attempted in vain by the societies in 1795, at a time when no spirit of jacobinism exists internally, and when externally we are at peace with all the world. In the course of his argument the Attorney-General had alluded to the Spencean societies; but if he was in possession of any fact respecting these societies which bore on the case, he ought to have exhibited it in proof. This he had not done. Out of the long list of 141 witnesses which he had cited, not one had been called to show that any means had been employed, that any intention existed, to form a connexion between these societies and the prisoners. Such allusions ought not to have been made, because their tendency was to insinuate what could not be proved. If, as in 1795, evidence had been introduced respecting these societies, the prisoners would have had the opportunity of meeting it, by showing that, neither in their numbers, nor their means, were they capable of accomplishing the objects ascribed to them,

if even they really entertained such views. He meant no personal incivility to the Attorney-General, but he must again say, that as the Spenceans societies had nothing to do with the case, they ought to have been entirely omitted in the opening. Even Castle had not mentioned the Spenceans. Would this charge have escaped the malignity of that man, had there been any foundation for it? This very Castle had been urged to state, whether he could name any of the men he said he had engaged to act with him at the Spafields meeting, and he could not name one, nor even say that he saw one of them in the fields; so that the whole success of the dreadful plan to overturn the Government depended upon the mighty efforts of the prisoners: or of the two insolvent apothecaries, the broken down gentleman, and the two coblers, against whom a bill had been found; with the addition of a journeyman tailor, against whom the bill had not been found. In what could the Spencean societies, or any other, be compared with those of 1795? The latter were so formidable, both from their numbers and their alliance with France, that it was thought necessary to put them down by law. It would be recollected that it had been made penal to be a member of any of these societies. They formed an organized internal force, capable of co-operating with an external enemy, and that enemy one which had by a decree proclaimed rebellion against every Government. These societies present a contrast, which, in the eyes of every man of sense, must render the contrast ridiculous; and that was a conclusion to which the jury must have come from the reasoning of their own minds, though he had said nothing on the subject. The whole affair came to this—that the five men who formed the alleged committee, without any possible means, were to overthrow the powerful Government of this country. As for the other, the sixth committee-man, his object was not to meddle with the Government, but to get blood-money. He was to be made use of; and it is only to make these four men be drawn on a hurdle that Mr. Castle is not also to suffer, if there have been any treason. He must apologise for again repeating to the jury, what gentlemen of their education and penetrating minds well knew, that there were three counts in the indictment to which nothing in this case can apply. It would be an insult to common sense, to suppose that the treasons in these counts could be imputed to the prisoners. The third description of treason was, as he had already observed, the only one that could by any possibility be brought to bear on this case, but it was to be judged by principles of law which governed the other sorts of treason. In reference to this point, he should take the liberty of calling the attention of the jury to some cases of treason, and to the opinions of the most eminent authorities on the subject. The legal language in which this treason is described is not merely levying war, but levying war against the King. It is not employing force for unlawful purposes, but employing force against the King—in the language of the law, our Sovereign Lord the King. In this doctrine Lord Hale concurs, saying that it is not levying war that constitutes treason, but the levying against the King only. The question then is, what is levying war against the King? On this question I shall refer to the best authorities: but common sense shows that the levying war against the King must depend upon circumstances and facts. It would, therefore, be absurd, to

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Mr. Wetherell' Reply, in defence, continued.

lay down any precise rule. Lord Hale says, what shall be levying war is matter of fact. Indeed, it is evident that it cannot be 30 men or 40 men, or any given number, merely appearing in arms, that would constitute levying war against the King. It would be absurd to suppose that the amount should form the rule. It must therefore depend upon circumstances, of which the jury were the sole judges. He admitted, that it was not necessary that war should be levied against the person of the King. There was such a thing as constructive levying of war against the King in some cases; that is, a levying of war to force the King to change his measures, or annul the laws of the land. Cases of this kind had been referred to by the Attorney-General, and he did not dispute them. For instance, in the reign of Queen Anne, in the year 1709, there was an insurrection in London to burn down all the Protestant meeting-houses, and they were burnt down. This was to force the nation to surrender up one of its laws, the law of toleration; in consequence, this was constructive war against the King. The same charge was instituted in the case of Lord George Gordon. In this case the toleration given to Catholics had been assailed and attempted to be destroyed by force; it was, therefore, construed into treason against the majesty of the King. Here the mob did proceed actually to burn down houses. On the same principle, if war were levied to destroy all enclosures, it would be constructive treason; or, though no instance could be mentioned, if it were attempted to force the King to make peace or war at any particular time, it would be treason. The law, as laid down by Lord Mansfield, in the case of Lord George Gordon, requires, to constitute treason, either a levying war to kill, injure, or imprison the King's person, or a multitude assembled to compel him to adopt or abandon any particular measure. Of this last kind there were but four or five in the course of a century and a half: one mentioned by Lord Hale in the reign of Henry VIII. to destroy all enclosures; another to put down all brothels; a third to release all prisoners; and that in Queen Anne's reign, already mentioned, to burn all meeting-houses, which was carried into effect. Now, notwithstanding all those admissions—and he would admit them, both as an advocate, and as a subject of the British Government, to be legal and just—he would contend that the present case was totally different, both in law and in its circumstances. There was no case of constructive levying war admitted by all this concession since 1709, and Lord George Gordon's, where the jury did not find the case made out. There seven or eight lines comprehended the whole charge; it was the levying of war to put down a certain specific measure, and the result of the trial was accordingly easy and clear. Notwithstanding, then, every admission, in history, opinion, and practice, the present charge stood perfectly insulated and unprecedented. Lord Coke and Mr. Justice Foster distinctly state the law of treason

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to require either direct war against the King, or constructive and interpretative war against the majesty of the King Whatever would surrender the authority of law to the will of a mob is treason. He would willingly try this case upon that issue. So much for the *law* of the case, he would now proceed to the *fact* of the case. It is then constructive treason to conspire to burn meeting-houses, *if* they are burnt down; to form a plan for throwing down enclosures, *if* they are actually thrown down; to attempt to open all jails, *if* the prisoners are in fact let out; to set about the destruction of all brothels (such was the fact), *if* they were destroyed. It was treason in all those cases, because it was in fact declaring that there shall be no toleration, no enclosures; because it was in effect to say, "We will plunder and spoliate the Government of its rights and powers, and appropriate to ourselves." It was saying, "The prisoners shall not be tried; the regality and superiority of law and justice we shall take from the Judges and juries, and invest ourselves with them." Now you have those unfortunate men accused of high treason Did they insist upon making peace or war? Did they attempt to abolish any existing law or to establish a new law? There was no better way of exposing the absurdity of the present case than by merely stating the facts in contrast with all other cases. Why he thought so he would explain. The Attorney-General charged them with levying war, without a particle of evidence, and without even a well-founded surmise of their ultimate object. What was their object? They attempted to subvert the Government. What Government were they to set up? It was not mere disturbance that they proposed to themselves: that is not alledged: yet there is no allegation of their object, and no evidence to show what might have been the proposed issue; except a scrap of paper with C.P.S. which he could not consider as either intelligible or illustrative of any design. Unless then this paper were to be proof of their intention to remove the present rulers, and to set up those men as rulers in their place, there was not a vestige of proof even of their intention. Was it likely that those six generals, after they had accomplished the overthrow of the state, would surrender their power all at once to 12 or 13 persons, whose names we find on this scrap of paper? It would be an affront to their understanding to say that this construction could be for a moment admitted by them (the jury). Castle did not pretend to say what was to be ultimately done. After five hours' examination of him, no man could tell what they proposed by this treason. The Attorney-General, though this infamous witness was to give no intimation of the constitution to be established after all their violence was successful, told them he would prove this flagrant civil war—*a flagrant civil war* was his expression. Their object was to demolish the whole of the State; it was not levying a war to attack the person of the King, or to abolish any law, but mere rebellion; or, as the Attorney-General stated it—a flagrant civil war. According to the Attorney-General's speech, all those four counts do really melt into the last of them. It was not the death the King, the destruction of his authority, the levying war to change his measures, all resolved themselves into open public insurrection in England. This was well deserving of their attention. It was deserving of their attention to consider the force destined for this attempt. There occurred, indeed, one attempt to assassinate a certain person which none could detest and reprobate more than he; but supposing the person concerned in this were guilty of delinquency in the highest view, that surely was not rebellion. When they recollected how completely bloodless this flagrant civil war was, that no magistrate was attacked

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—how easily the army was dispersed —it would be ludicrous to examine all the history of the campaign. What formidable means were arrayed in this flagrant civil war? There was a meeting at Spafields; there was a pound of ammunition; there was one pistol and one sword; speeches were made. In the march of this army a flag staff was taken from two of the five generals; Mr. Stafford routed the main division; Sir James Shaw, without any arms, and without fear, dispersed the rest of those insurgents. This was the Attorney-General's flagrant civil war. He had great respect for the character and conduct of Sir James Shaw; but he was astonished if the civil war was flagrant, why Sir James Shaw, who quelled it so readily and effectually, who took Hooper, the last rebel general, had not been created a peer, obtained a pension, or even a red riband. Either the war was not so formidable, or Sir James Shaw was very ill treated. He would advert now to some authorities on this view of the case. In the reign of Charles I. Benstead's case occured. It has always been held doubtful; Foster marks it as so; and I have no hesitation in maintaining the same opinion. The palace of the Archbishop of Canterbury at Lambeth was burnt because he advised a dissolution of Parliament: but supposing this to be the law, what house have they burnt? What magistrate attacked? Was the Lord Mayor attacked? He was astonished he did not appear here to give his evidence, on the battles fought and the outrages committed in this civil war. Sir James Shaw's manly evidence shewed the thing to be so ludicrous, that the Attorney-General shrunk from calling the Lord Mayor to increase the ludicrous effect. Was the Bank attacked? The infamous Castle gave an account of the mode of barricading the Bank, and beating out brains by broken bottles, which required no observation from him to render incredible and ridiculous. The averment on the record as to this point derived its existence and its proof from descriptive fancy: but the Tower was attacked. This was some approach to a contact with treason, as the Tower was the King's fortress. The war was levied, not against the person, but against the fortress of the King. This was proof and evidence of war. To argue seriously on this point, would be a want of respect to the jury's understanding and judgment. The evidence of Castle, that infamous perjured seller of human blood, was perfectly incredible; it was supported by no other evidence. This was another instance of the creative vigour of the imagination that presided over the indictment. What was the attack; the language of the record was ludicrous in the extreme. A man went down to the Tower, and with a loud voice called upon the Tower to surrender. one man did this, the rest had all fainted away in their march, or fallen into the hands of Sir James Shaw. If the infamous perjuries of Castle were believed, we have the idle, contemptible gasconade of one man summoning the garrison to surrender. One man is to compel a fortress, whose wall is 30 yards high, and ditch 60 yards wide, to surrender! This perjured evidence must be put out of view, and then they have got a man addressing 50 soldiers, who could never be seen from any one point but upon the evidence of two soldiers, that the proposal was made only to two men. To this was added, by anonymous supposition, that 100 guineas were offered as a bribe: but would the Crown lawyers batter down their own case, and deny the credibility of their own best witnesses? The Bank was never pretended to be attacked. No violence or disrespect was shewn to the Lord Mayor, to any magistrate, or to any officer. Only one man was thrown down in Spafields, and not hurt. If it were necessary to go farther into those matters, he would refrain, knowing that

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his learned brother was to address them after him; whose abilities, force of reasoning, strength of judgment, and clearness of discrimination, would set the matter fairly in their view. Where was the war? In Spafields? What was done there?—a speech, of which they had some evidence given by Mr. Dowling, the short-hand writer. Nothing of what Mr. Dowling, the short-hand writer, said was confirmed by any other witness. Nay, others who were nearer than Mr. Dowling, the short-hand writer, could hear nothing with the confusion and noise. But be it all admitted; be it abusive of Government, and violent in terms; be it admitted upon the unsupported authority of Mr. Dowling, the short-hand writer, that it was said "the rule of kings and lords had continued too long," was *that* war against the King? What else was done? Was the Bank attacked? Was the Tower? Was the Lord Mayor? Was Sir Nathaniel Conant? Let Benstead's case be good; let an attack upon the Lord Mayor, upon Alderman Shaw, or upon a constable be treason; let majesty descend with all its sanction to the lowest official character, still the present case had nothing treasonable in it. There was not one attack of this kind to form a foundation for treason. Let them always keep in view that war or outrage is not treason, if not against the King. He challenged the King's officers, the Solicitor-General especially, to bring forward one single precedent of such treason as this, taking Benstead's as his own. No war was levied here but against the atmosphere. Merriment might be blamed, but no man with a British heart, or solidity of understanding in his head, could view such a question of *treason* seriously or gravely. He deplored the outrage upon Mr. Platt; but from the very candid and fair evidence of Mr. Beckwith's man, it was manifest that there was no malignity of intention—that it was accident, and not design: but call it murder, it surely was not therefore treason. Mr. Platt, in an constructive sense, represented majesty. Now he would submit those things to the sagacity of their eyes, and to the minute and critical attention of their minds, and leave them to say whether any precedent or example existed in British history for such a prosecution. Where did this begin? In Spafields?—No. In the city?—No. In the Minories?—No. In the Tower?—No. But gunsmiths' shops were broken open, and arms taken thence. This was treason! He would do justice to his own feelings, and to the feelings of the Court and Jury, by expressing his abhorrence of the outrage and violence done to Mr. Beckwith. But the outrage was merely to get arms. No, it was said, it was war. Now, it was not the getting or the possessing arms that constituted war, it was the *application* of those arms that could constitute war or treason. If 500 men marched through the city with pikes, it would be blameable and punishable, but not treasonable. This was the fallacy of the prosecution; this was the attempt to elude the law. But the means were not the end; and therefore such a foundation for treason was a perfect fallacy, a positive fiction. In law, force, as force, was not rebellion, or war against the King. It is the application of the law that constitutes the act. This was a tumult, an outrage, a riot, what you please, but not treason. The Attorney and Solicitor General are challenged to find one precedent in any law, opinion, reports, or decisions, of such a kind. Lord Coke distinctly explained that the treason must be supported provably, and not by conjectures; manifestly, by open deed or some overt act. The Attorney-General offered only inference and conjecture. Is there evidence, not probable (for Lord Coke explains the far greater extent of provable,) but manifest, of levying war against the King? The Attorney-General says, that to force

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into shops and to take arms is war against the King. If that argument be law, there cannot be a case that may not, by the law, be found treason. But he contended that not to do, but to have done, something against the King was essential to treason. The intention followed with the fact is the evidence in such a case. He called upon the jury to recollect this distinction, and to keep in view the unparalleled want of evidence in this case as compared with those he had referred to of Henry VIII., Charles I., Queen Anne, when the Solicitor-General addressed them, or when the Judges summed up. Let them always remember that riot, as riot—or tumult, as tumult—is not levying war against the King. But the flag, according to the Attorney-General, was overt-treason; it was flagrant civil war. This was to give up the weaker, and take the stronger; to refuse the more diluted and weaker, and take the stronger and more unattainable. An object must be found for the treason. It is impossible to find any specific object; therefore the Attorney-General infers all objects. Law says, that levying of war against the King, compassing his death, &c. constitute treason. It is impossible to find any act of this kind against the prisoners; therefore, the Attorney-General charges all at once. The argument was in a circle. To levy war against the King is treason; these are traitors, therefore they levy war against the King. The law of riot was amply illustrated by the law of England. The great distinction between riot and treason was, that the former was undefined, the latter specific in character and object. This distinction has always been held before as well as after the revolution. Undefinable riot, though bearing the appearance and attitude of hostility against the State, was not treason. In the reign of Edward VI. an act was passed, making it treason for twelve persons to meet, in order to change any laws, if they did not disperse within an hour after intimation to that effect. This was the model of 2d Geo. I. called the Riot-Act. Hale (vol. 1. p. 29,) says, that the 3d and 4th of Edward VI. raised riots to treason; and that 1 Mary created them felonies within benefit of clergy; upon which that great lawyer observes, how careful we should be not to introduce constructive treason, and not to extend the statute of Edward III. That law, annulled by the death of Mary, Queen Elizabeth revived, using a very remarkable word in the title—An Act against unlawful and *rebellious* assemblies. But yet, though *rebellious*, and in the reign of Queen Elizabeth, they were not subjected to the law of treason. With her again it died, and was not revived till George I., when a strong party-feeling existed in the nation, passed the Riot-Act, in the preamble of which are the words, "Whereas diverse *rebellious* meetings endangering his Majesty's Government, &c." He would stake all his credit as a lawyer upon the doctrine here contended for, and confidently say, no lawyer would differ from him. This act made riots felonies without benefit of clergy, and this is the law at this day. If, then, this be law, riot cannot be prosecuted as treason. If riot ought to be considered treason, be it so; but enact the law manfully and constitutionally. He cited an illustration—the riot in Birmingham, where meeting-houses were burnt, eight or ten houses were destroyed with all their furniture; Dr. Priestly, a most learned man, was driven from his home and country. There was one feature in this case strongly resembling the case of 1709; a man of very great eminence and very great science, and known to be in opposition to Government, was the special object of it. Dr. Parr, that eminent scholar, was obliged to send his valuable classical library for protection to the college of which he (the learned counsel) was then a student, because that great man was in

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opposition to Government; yet Sir John Scott, the soundest of lawyers and the best of men, instituted no prosecutions for high treason in this Church-and-King riot. He, therefore, implored the jury, while they felt any British pulsations in their veins, and while they possessed the straight-forward undeviating rectitude of British understanding, not to be led astray by the arguments of the Attorney-General, to consider riot and treason one and the same. (Mr. Attorney-General interrupted, that the argument was not used by him.) He does not use it in terms, but it is virtually and substantially his argument. In motive, malignity, means, or community of object, this case had no resemblance even to treason; and he again challenged contradiction, when he said, that no Attorney-General ever attempted to raise such a charge of treason on such a foundation. There were riots in England of a much more extensive, dangerous, and even of a seditious nature, where no attempt of the kind was made. He begged leave to read particularly an account of one in the first year of George I., when a strong party-feeling existed and another claimant of the sovereignty, in opposition to the family who then began, and he hoped would for many generations, and for ever, continue to reign in this country, had many adherents in the nation;—"Those who celebrated the anniversary of the King's birth with the usual marks of joy and festivity, were insulted by the populace; but, next day, which was the anniversary of the restoration, the whole city—the whole city—was lighted up with bonfires and illuminations, and echoed with the sound of mirth and tumultuous rejoicing. The people obliged the life-guards who patroled through the streets, to join in the cry of "High Church and Ormond!" and in Smithfield they burned the picture of King William." (Smollet's Hist. ch. 1. Geo. I.) This was most marked with rebellious circumstances. The burning of William's picture was an actual declaration of disaffection to the King who reigned by the same title. Yet no charge of treason was originated, though Cowper was Chancellor, Sir Joseph Jekyll was Secretary of State, and Mr. Northy was Attorney-General. Again, therefore, he would assert, that such a riot as that of 2d of December, was never pretended to be treason. Sir William Blackstone was another authority upon this point; for he explicitly says, that the Riot Act was intended "to support the Act of Settlement." Not only are undefinable elements of disturbance thus subjected to the Riot Act, but even the attacks upon the King's settlement. Other authorities he might quote in abundance, for he could not look into a book without finding confirmation of his views of the subject. It is inadmissable and absurd reasoning to punish inceptive and elementary proceedings as if they had been ripened and completed acts. If riot were not put down, it might become treason; but must it, therefore, be punished as treason? It may by and bye be a civil war—it may endanger the life of the King—the semen, germ or root, may produce its fruits; but possibility is not the object of punishment. You must not find Monday Saturday. Riot and treason are totally different in their commencement and conclusion. Where, again, then, was the commencement of the treason? The view given was not *his*; it was the invariable incontrovertible law of England. It was not an *Advocate's* ingenious plea he maintained; he had no new theory to advance or support. He had read his authorities. He would still refer to Mr. Reeves's history of the Riot Acts, and to Lord Ackland's Treatise. That eminent lawyer—first the ornament of the bar, afterwards one of the ablest diplomatists—states, that the Act of Edward VI. is the model of the Riot Act, and and consequently applies to all riots, however seditious or rebellious. He

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did not say whether the law was good or bad; but if not good, let it be constitutionally corrected. Let not the verdict of a jury be legislative, or the decisions of a Court of justice Acts of Parliament. If a beginning be once made, it is impossible to calculate the consequence of such a violation of the most sacred principles. To-morrow we may find treason without shop-breaking; next day without one brace of pistols; the third day without a flag. There is no limit to potentiality, no correction of undefined latitudes. While, therefore, you have the power of resisting such a sweeping evil; while yet you are there as a jury, uncontrouled by a single precedent to the purpose of the present prosecution; as you regard the privileges of your birth, as you value the vital fluid that circulates in your veins, resist the admission of a principle so palpably illegal, and so daringly mischevious. He addressed a Jury who knew the history and practice of their country. He recollected the circumstances of the riot respecting the Corn-Bill, three years since. It was directed against Members of Parliament, as such; the houses of many of the Ministers and guardians of the Crown were assailed and broken; at the door of Mr. Robinson's house a man was killed, and Mr. Robinson was a counsellor: yet no treason started up in this riot. The Lord Chancellor was attacked, and behaved with characteristic magnanimity, but recommended no prosecutions for treason. He adjured them, in the sacred name of truth, therefore, not to bring such a scandal and reproach upon the country, as that one class of rioters should be punished as traitors, while another were treated as rioters. Acts respecting treason were not the offspring of a day, they were the result of much wisdom and experience; let them not, therefore, batter down this consolidated wall of defence; let them not remove the great and essential distinction between treason and riot. If the state of the country required new laws, let new laws be made—but not by a jury. The dangers of 1795 introduced new laws; if the dangers of the present day require it, let them have a similar remedy; but let not Acts of Parliament be passed in courts of justice. He was not aware, when a retainer was given him in this, of the burden to be imposed upon him. He now found that the case at issue really was, whether riots can by means of a jury be brought under the statutes of high treason. Would any person tell him that a certain set of riotous acts, or acts of disturbance upon the property of individuals, amounted to evidence of an intention to raise a civil war against the Government of the country? He staked his credit as a lawyer, he pledged his knowledge as an historian, he declared his sincere understanding upon a full review of the law of treason, that this offence, as charged in the indictment, did not amount to the offence of treason. What the consequences might be of amalgamating criminal offences where obvious, or even shades of difference might be drawn, he left to the jury; but he begged to remind them, that in our criminal jurisprudence, as it stood at present, the shades of criminality were nicely marked and pointed out. The crime of murder was distinguished with the nicest accuracy from the subordinate offence of manslaughter, and a barrier thus established between all clergyable and unclergyable felonies. The whole system of our criminal jurisprudence was one of classification and distinguishment; and the question now was, whether a jury assembled on such an occasion would confound all distinctions in this particular branch of law; He felt himself justified in asserting, that a case of treason had never before been attempted to be established on such grounds. He could assure the jury, that the last month had been employed by him in a way not congenial to his usual pursuits—in a laborious in-

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vestigation of the law upon this subject: he might appear tedious, but if it was so, it was because he regarded it as a question new and extraordinary; it was because an assiduous inquiry into the subject had, as he hoped, given him some clear and legitimate views upon its real merits. The Attorney-General of the present day was attempting what none of his predecessors had attempted; and, recollecting the allusions he had already made, he would now refer only to precedents of a modern date. Previously to that reference, but with a view to its application, it might be important to remind the jury, that Watson had been already indicted for a misdemeanor; he had been even tried for a felony; and it was now a matter of consideration whether what was a riot at Hicks's-hall, and a felony at the Old Bailey, would be exalted into high treason at the Court of King's Bench. To what a distressing alternative must the jury find themselves reduced, when they found that they were called on to pronounce a man guilty — he alluded to Cashman already executed; and if the prisoner was guilty of high treason, that man was equally guilty upon the evidence—when they were informed that the crime for which Cashman was executed was not the crime upon which he received judgment, but the crime for which the prisoner now stood indicted. How must the jury feel when they learned in the course of this trial that Cashman was convicted of felony, whilst by the present indictment, and the whole course of the evidence, his offence, if any, was that of treason.

Lord Ellenborough observed, that there might have been committed a detached felony within the interval of prosecuting a design common to many.

The Attorney-General felt that the observations of the Learned Counsel tended to throw an odium upon him, against which he had no regular means of defending himself.

Mr. Wetherell continued.—He had no means of knowing the precise date of the knowledge acquired by Government, and upon which they founded this prosecution. It was plain, however, that all their information with regard to their two former prosecutions had been collected within the period of a fortnight; that within that period of discovery, every secret was supposed to be laid open, and every danger to be detected. But, let it be remarked, that Castle had not yet made his appearance; he was a new character in the piece; and before he referred more minutely to his evidence, he would submit it to a Jury of Englishmen, whether they would suffer the character of British judicature to be so disgraced—whether they would go so far as to hold out an encouragement to the traders in blood, as to admit this man's credibility in a case of life? Would they, he asked, who were the guardians of the purity and integrity of the law, to whose final discretion were intrusted the lives of their fellow subjects, forget those feelings which had never yet been forgotten by British juries, and which, whilst British blood flowed through British veins, never could be forgotten, or Britain would be no more? Would they do all this under law as yet doubtful, upon no other ground than the evidence of that indescribable villain Castle? He was willing that the life of the unhappy man near him should depend on the evidence taken in the wholesale, as it stood fully compared with and contrasted with other evidence. According to his testimony, then, it appeared that two distinct

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Trials for High Treason!!

FAIRBURN'S EDITION.

No. 17.

Mr. Wetherell's Speech, in defence, concluded. Evidence for Prisoner.

plans of treason had been devised, one of which had been abandoned as impracticable, and which was to have been executed on the 13th of November. This, it appeared, was abandoned, because the west end of the town was unprepared, and a little delay was judged expedient, to try whether the east end was in a riper state. It would be unnecessary to remark on the absurdity of such a story, were it not that still greater absurdities remained behind. Mr. Watson, the prisoner, being, as the witness Castle has shewn, a man of better education and more scientific profession than the others, was described by him as the person who undertook to prepare the medicaments which were to kill whole barracks full of soldiers by stench. By the same credible account, the streets were to have been blockaded with palisades stolen from gentlemen's premises; and the horses disengaged from the hackney-coaches to which they belonged were to constitute a rebel cavalry. Now, with regard to Mr. Cosser's explanation as to the house in Seymour-street, and the confirmation it was supposed to give to that part of Castle's evidence, he would ask whether it was an improbable supposition that a young man, twenty years of age, should have been led into the contemplation of such a scheme by the representations of a bawdy-house bully, in which character Castle had confessed he had set out in life? He was happy to see, by the flickering on the lips of the Jury, that they smiled in imagination whilst he took the trouble to discuss this villain's evidence. Many of the circumstances stated by this man might or might not be true, he had only to deal with such as were material to the present issue. He asserted then, distinctly, that the whole design of burning the barracks stood upon the testimony of Castle, supported in no other single way than that Mr. Cosser deposed to an application for a house of which he was the owner, situated in the neighbourhood of a particular set of barracks. This was all the proof before the Jury of that purpose charged against the prisoner of an intention to stifle the King's troops by chymical preparations. He might here advert to a circumstance mentioned by another witness, who was brought to connect the elder Watson with this extraordinary design. That witness did not go far; but he went so far as to mention, that a dispute took place between Castle and the elder Watson whilst they examined certain barracks, the witness not overhearing it; and what more probable, considering the character of Castle, than that the dispute proceeded from Mr. Watson's pointing out to him the wickedness and the absurdity of the project? But not contented with the extravagant invention and ridiculous gasconade attending the first part of the conspiracy, as related by Castle, his learned friend (Mr. Gurney) had conducted his witness [he would not say led him] into a description of an intended very general plan of operations. It was, indeed, a most curious plan, combining every geographical and territorial

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consideration, and containing a regular distribution of force, headed by five sound and one lame general. The most material defect in the plan seemed to him to be, that the conspirators, in devising to take the Tower, and remaining in possession of it, forgot the river Thames, and the possibility that their possession might be disturbed from that quarter. When he reflected seriously on these things, he could not help feeling amazement at this prosecution, and amazement for the accidental expression of which he had been already rebuked by his learned friend, Mr. Gurney. He could assure the Jury, that when he had held up his hands under the impression of that amazement, it was because his natural love of truth, that love infused by God into the heart of man, was shocked; and, because he felt that truth itself was blasphemed by the testimony of such a witness. It might be possible, although he would admit nothing, that there might have been a disposition to tumult amongst the persons at the bar; but, if the first plan of their operations, as stated in evidence, and magnified into treason, was disproved and incredible in fact, how could they possibly believe the same evidence in support of a second treasonable arrangement by the same persons? If there was no truth in one story, was it not a necessary inference, in such a case, that there was no truth in the other? No evidence, not even from Castle himself, shewed any designs entertained or attempted against the Bank; and it was curious to observe that, during all the proceedings in Spafields, on the 2d of December—he meant for the greater part of the morning—Castle was absent, and appeared only in particular places. The contradictions in his evidence were endless, and he should presently notice one or two very important circumstances. The Jury, he had no doubt, knew well that *ex hypothesi* Mr. Castle was not a credible witness; his testimony was worth nothing, unless supported and confirmed by the clearest and most unobjectionable proof. Looking then at Mr. Castle, he found his character so involved in and composed of infamy, that he might almost run through the alphabet and find for it a double alliteration of crime. Under the letter B there was bawdy-house keeping and bigamy; and here he was reminded that his wife had been sent out of the way for no purpose which was explained, although she was the person most capable of supporting his testimony, as far as a knowledge of circumstances was concerned. If he moved on through his alphabetical progress to the letter F, he found forgery and felony; and to pursue that course of observation no farther, he found him engaged in a real treason, by assisting in the escape of French officers, and endeavouring to gain a dishonourable subsistence in that scandalous traffic. He had begun his life, by his own confession, as the bully of a bawdy-house, and now lived upon blood-money—now subsisted upon those wages which were to be the remuneration of his evidence on this occasion. Had he not proved that he stood in the witness's box in a dress purchased by the Crown? Had not the witness admitted that Mr. Stafford, of Bow-street, had furnished him with the clothes in which he appeared, as the incipient price of his present testimony?

Lord Ellenborough thought this was not a correct representation of the fact admitted in evidence.

Mr. Wetherell said, he only alluded to it as an inference of fact which it was for the Jury to determine.

The Attorney-General declared, that he would not sit still and hear corrupt motives imputed to him; motives which he desired any man to affix to any part of his conduct through the whole course of his life.

Mr. Wetherell agreed with the Attorney-General, and imputed to him no such motives: but he had a right to assert facts; and what he did as-

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sert was, that until Castle was found out, there was no intention on the part of the law-officers of the Crown to exalt a mere riot and misdemeanour into the transcendent scale of treason. Till that discovery, he insisted upon it, the offence committed was regarded merely as a riot. Since the period of the Revolution, then, no question of so sacred a nature had been submitted to a British Jury. He had bestowed a month's painful and laborious investigation upon this subject, which was not within the scope of his ordinary professional pursuits; and all his assiduity in endeavouring to assertain the true definition of the statutes of treason only served to make him the more nervous, when he reflected that he stood there as counsel for the whole people of England against a new interpretation of the law to be made use of for political purposes.

Lord Ellenborough thought it right to remark, that he had never before heard in Court such large imputations upon individuals.

Mr. Wetherell said he had no intention of reflecting on any individual.

Mr. Justice Abbott remarked, that it was useless to disclaim an intention to do what there was a perseverance in doing.

The Attorney-General could regard the observation of Mr. Wetherell in no other light than as ascribing to him the worst and wickedest of motives.

Mr. Justice Bayly said the imputation went even farther, and might apply to those who should hereafter be called upon to give judgment on the present trial.

Mr Wetherell, with submission, differed from the last observation: none of his remarks were drawn *de persona*, and the law-officers of the Crown, he apprehended, were too hasty on this occasion. He had been about to refer to a clause in the statute of treason of 1795, in order to shew that that statute gave the Crown an election to proceed against a party either capitally or for an inferior offence, and bound the Crown not to proceed in both forms.

This construction of the clause, which was read by Mr. Justice Abbott, as to the election or proceeding, was immediately over-ruled.

Mr. Wetherell resumed. He might be wrong, but he knew at least that he was not singular in the construction which he had put upon the clause in question: he might be mistaken in his legal argument, but he must again say that he meant no personal reflections on the gentlemen opposed to him in this cause. To return, therefore, to his former argument, it appeared to him that the ultimate question was, whether, upon the evidence of Castle, the prisoner could be convicted of any treason within the reason of the statute of Edward III. or within the pale of the other statutes explaining and amending it. His conviction was, that it was not; and this conviction would be supported by his honourable friend, Mr. Serjeant Copley, with whom he had the honor to be associated. This opinion he had supported, and would support, with the free agency of an independent gentleman, and the boldness of a British advocate. He would maintain the same opinion in all places; and, if any malignant man should assert that he had denied the supremacy of the State, or the due attributes of Government, he would confront that malignity by an appeal to the uniform and unvaried tenour of his life. He was no defender of riots, no admirer of tumult, no candidate for popular applause; he had no inclination to take from the Crown any of its prerogatives; neither did he wish to see the subject deprived of any legal rights. He was for holding the scales even, for giving to Cæsar what was due to Cæsar, and no more. He had applied much labour on this occasion: he had before him all the cases which he regarded as the best authorities, and upon which his principal proposition was founded; and he challenged

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and provoked the citation of authorities on the other side. He called for the production of a single case in which any English judge had held that undefined riot could amount to a constructive treason. No Attorney-General of the last century had made such an attempt, though he begged to say that he would take the law from no Attorney-General. Every treason must be proved by open deed; it could not be made to consist in acts with respect to which the agents could not or did not give a satisfactory explanation. The Statute of William rendered it necessary that the treason should be manifested by overt acts, and positive allegations appearing on the record. He recollected the language of Sir John Scott, the Attorney-General in the case of Hardy; and he was sorry that no such principle had been premised by the present Attorney-General, that every act charged in proof upon an indictment for so high a crime must be supported by formal and convincing evidence. The Attorney-General, it was true, disclaimed every attempt to raise a constructive or accumulative treason, but he was at a loss how to regard the present charge in any other than the latter light. The whole offence was variously composed, and was made up in its component parts of a little, and a very little speaking at the Tower, a little noise, and a little flag, together with a few guns fired in the air. Such an offence, if treason, must be accumulative treason, however disagreeable the phrase appeared to be to the Attorney-General. He must protest equally against what was called parity of treason; and would take the liberty to remind the jury, that there might be moral delinquencies equal in the eyes of God, but that it did not follow that that which was treason was, morally speaking, as bad as treason. The crime of treason did not consist in the extent of positive mischief done or contemplated, and he would wish for no better definition of it than was laid down in the case of Lord George Gordon. Upon that trial, although London had been burning in fourteen different places; although the ravages of the rioters had produced the most calamitous occurrences; although the insurgent force had been formed into regular array, carrying with it terrible and frightful awe; yet a British jury acquitted that unfortunate gentleman, however morally guilty, because they could not find in his conduct the evidence of a design to raise a civil war. Treason enough had been committed; but the jury of that day knew how to distinguish between cause and effect, between accident and design, between the transactions of one day and the transactions of another. The duration of treason was certainly not essential to its existence: but if any treason had been committed in this case, it would have no other date than the jumping down of young Watson from the waggon; for every other fact was a fact of previous notoriety. The meeting was advertised at which the treason was to be performed, all the police was present, the Tower was shut, and a party of dragoons posted in Gray's Inn-lane. He would show by Mr. Hunt's evidence, and he must say that it was Mr. Hunt's speech that had done all the mischief, -what was the extent of Castle's infamy, and how narrowly he had himself escaped from being dragged by that wretch into this conspiracy. The jury well knew that there was an epidemic soreness, a propensity to riot, amongst the lower orders at present, arising from a want of subsistence, and a privation of comforts, which, if felt, would render other classes uneasy also: but, however, it was to be lamented that the connexion between the employers and the employed was shaken, and that a disposition to tumult should therefore exist, he must deny that there was at present any such conflict of principle, or any such question at issue between the Government and the populace as existed in Lord

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George Gordon's case, and was created by Sir G. Saville's act. He denied that the existing propensity to acts of riot or disorder had for its object any direct attack upon the State; that it was at all of a political nature: and would venture to assert, that 'there was in reality no quarrel whatever between the Government and the subject. He regretted his own want of method and distribution, and was here under the necessity of referring to the spikes, or pike-heads, as they were called, which were found in the lodgings of young Watson. The young man, it appeared, had left these lodgings a fortnight before the 2d of December, which was represented to be the day on which they were to be used. It turned out that they were common railing spikes, for which no handles had ever been prepared, which were ordered by Castle, the witness, who was by trade a smith; and which had been placed in Watson's lodgings as a depositary, most probably with an intention connected with this prosecution, or as a matter of convenience to Castle in his occupation as a smith. Why had not Harrison, who was to have proved the order for preparing handles to these spikes, been called as a witness for the Crown? The whole weight of evidence was made to rest on the statements of that infamous villain Castle; a wretch, who never on any occasion, or in any place, was not a liar; and who, on this occasion, was employed not only in support of a constructive and interpretative treason, but of a constructive and interpretative pike. The only spike actually prepared for any possible mischevous purpose, was filed and sharpened by Castle himself, unaccompanied by any of the prisoners. This indescribable villain, who had been bred a journeyman smith, but who by his own confession had done little or nothing in that way for the last fourteen years, seemed of late to have aspired to what he probably thought a more genteel employment,—the trading in and merchandise in blood. He told the maker of them that he wanted them for a rabbit-warren: was there any thing improbable in supposing that he told Watson the same thing? In any view of the case, it was strange that the authors of a civil war shou'd leave their weapons and instruments of war behind them. He regretted that he should have occupied so much of the indulgent attention of the jury; but he had felt it his duty on this occasion to state propositions of law, from which he would not recede, and by which he was ready to stand or fall, with respect to whatever credit his industry might have gained him in Westminster-hall. Tumult was tumult, and outrage was outrage; but the only question here was, whether any violence was intended against the Crown;—whether any means were taken for the purpose of compelling his Majesty to change any law, or to do any other act under the terror of an insurgent force. The principle he now maintained, he would maintain with resolution and confidence; and before it could be controverted, the Riot Act must be obliterated, as well as the Act of Elizabeth, directly applied to what it called "rebellious riots." These statutes created a broad distinction between treason and tumultuary assembling in a hostile attitude and with a degree of force. The Jury had a solemn duty to perform in resisting the present attempt. If it was necessary from the state of the times to alter the law, let it be done by the proper authorities, let it be left to the discretion of the legislature. All the overt acts, independently of the mere riot, were proved by Castle only, who had attempted, as would be shewn by Mr. Hunt himself, to entrap him on more than one occasion, and who had probably not put down the name of Sir F. Burdet in his paper entitled C. P. S. without some design, had the Hon. Baronet attended any of the public

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meetings to which he was invited. Upon the testimony of such a wretch he would not put any creature into the stocks; and would a British Jury condemn to the gallows the unfortunate man behind him, when by his death the consequences he had described would most surely follow? He proposed to call evidence in support of those assertions which he had made, and which were not founded on the testimony of the witnesses for the Crown; and his learned friend, Mr. Serjeant Copley, would then enter upon a fuller review of it. He should conclude with repeating, that their verdict was to determine whether the law of the land, as between the Crown and the subject, should remain in its present state, or whether, upon the pretence of a constructive and interpretative levying of war, a capricious and tyrannical principle of jurisprudence should be introduced utterly incompatible with the free spirit of the constitution.

Mr. Wetherell finished at half-past five o'clock, and it was considered by the Court too late to call the evidence on the part of the defence.

SIXTH DAY,

SATURDAY, JUNE 14.

Their lordships took their seats at a quarter past nine, the prisoners having been brought into court at a quarter past eight. In the mean time Mr. Justice Bayly took some motions of course.

The evidence on behalf of the prisoner was then proceeded in, and the following witnesses were called:—

EVIDENCE

On behalf of the Prisoner.

Mr. HENRY HUNT, *sworn.*

Examined by Mr. Wetherell.—He lived at Middleton-cottage, Hants, but had not received any subpœna from the crown, though he had from the prisoner. He remembered the Spafields meeting of the 15th November, and spoke at it to the crowd assembled round the Merlin's Cave. His speech, however, was not like that reported in the Times and other newspapers. After the speeches had concluded, a motion was made to adjourn the meeting to a future day—to some day after the meeting of parliament.

Did any person, and who, afterwards propose an alteration of that day?—Yes.

Who was that person?—The younger Watson.

Do you recollect the father of the younger Watson saying any thing upon that subject when his son proposed the alteration of the day?—I do.

What did the prisoner say?—He endeavoured to prevail upon his son not to propose it, as it was too early: he thought meeting again in a fortnight's time was a great deal too early and unnecessary.

Were they both standing near you?—At this time side by side.

Where did this take place?—At the window of the room of the Merlin's Cave.

Before the younger Watson proposed the alteration, had the elder Watson said any thing upon the motion first proposed?—He addressed the people, but I do not recollect whether he said any thing upon the motion of adjournment or not. I did not first propose the adjournment; there was a general cry for an adjournment; and after that cry I proposed an adjournment either to the second day or second week after the meeting of parliament; I do not recollect which.

You describe yourself as standing at the window with the Watsons close to you?—The younger Watson at my right, and his father close to him: the younger Watson pressed to get to the window; and he was opposed by his father, not merely with words, but with a gentle force. I beg leave to add that the younger Watson, in my hearing, was sent forward from the back part of the room by some person there to propose his motion; and his father and myself having heard this, it induced us both, before he began, to endeavour to prevail upon him not to make such a proposal.

Where did you dine on the 15th of November, the day of the Spafields meeting?—At Cooper's Hotel, in Bouverie-street: the inn I was staying at. One part of the hotel is in Water-lane and another part in Bouverie-street.

Do you know a gentleman of the name of William Bryant?—I do.

Have you known him for some time?—Four or five years.

Did you expect him there to dinner?—He had engaged to order dinner for

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himself and me at five o'clock. A day or two before, I had expected to meet him there on private business.

Had you invited to dine with you there a person of the name of John Castle?—I had not invited any person, nor did I expect any person.

When you got to Bouverie-street hotel, did you, in fact, meet Mr. Bryant there?—I found him there with his son, a little boy. He told me that he had ordered three whitings and chops for three: the cloth was spread for three.

Before you sat down to dinner, do you recollect Mr. Castle coming into the room?—I do; it was a private room, not a public coffee-room.

Did any other persons come in with him?—Many; I did not know them all; There were the two Watsons, Thistlewood, Castle, a young man of the name of Clarke, who had presided at the public meeting, and I think several other persons.

Did Castle come into your room in consequence of your desiring him?—Certainly not; I did not know him then; I only know now that it was Mr. Castle.

Did all the others come into the room with Castle?—They did.

When they came into the room did Castle or any other person say any thing upon the subject of dinner?—I will answer that question, if you please, in my own way—I was not surprised to see the Watsons and Thistlewood come into the room, although I had not invited them, it being usual at public meetings that those who had taken part in the meetings should dine together afterwards.

But you were surprised that Castle made his appearance?—Yes; and several others; and I remonstrated as well as Mr. Bryant, telling them that it was a private room, that dinner was just coming up, and giving them a hint that it was necessary they should retire. I do not think that I had seen Castle before that day. I never recollect seeing him but with the flag in Spafields. The first time I observed him he was unfurling the flag, and fixing it upon a pole; and after I was in the Merlin's Cave, he fixed it at the side of the window.

Having fixed the flag at the side of the window, where did Mr. Castle station himself?—I saw nothing more of him, to my knowledge, till he came into the room in the evening.

These gentlemen having come into your room, was anything done by them in consequence of your hint? Did any of them retire?—Possibly some might; but one person, I do not know who, perhaps Thistlewood, proposed that they should have some chops with us. I and Mr. Bryant answered, that we had only ordered dinner for three, and that they could not partake of it. One of them immediately proceeded to the bell, I believe Castle, and said, "We will order some beef-steaks or some chops;" and upon the landlord, or the waiter, entering he ordered fish and steaks to be added to our dinner. The cloth was laid, and we were soon seated.

Was Castle at that time in liquor?—As far as my judgement goes, not in the least.

Did his manner of speaking or his gait betray the symptoms of a man in liquor?—He was extremely forward and officious, but not at all in liquor.

This postcript having been added to the dinner, how many of you sat down to it?—I should think ten or a dozen, but I do not exactly know.

Was the elder Watson one of those who sat down of the party?—He was. The younger Watson was also there, and Thistlewood. I had seen them the day before for the first time, and those were the names they gave me.

Mr. Castle, having invited himself, sat down to table of course?—O, yes.

Was the king's health drank after dinner?—It was; Mr. Bryant sat at the head of the table, and, as soon as the cloth was removed, he drank the King. I observed, "You had better not give any toasts at all, but you shall drink the King," and the toast and bottle passed round till it came to Castle.

To the best of your recollection did the elder Watson fill his glass to the King, taking the bottle as it came by?—I observed that it passed all but one. Clarke was next to me on my right, and Watson next to him, and it passed all round till it came to Castle.

When it came to him what occasioned the circle to stop?—It did not stop immediately, but Castle began, in a very loud tone, "May the last of Kings be strangled—" I rose from my seat to stop him, saying, that no such language should be used in my company.

What said Mr. Castle to that?—He followed on, by saying something about the guts of the last priest. This was reprobated, apparently, by the whole

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party, particularly by myself, Bryant, and the elder Watson. I beg leave to add, that on this Mr. Castle made a sort of apology.

Did he introduce any military subject into conversation?—Some time afterwards he burst out, "D—n me! the soldiers are our friends." Upon which I said, "Pray, sir, what have we to do with soldiers here?" He intimated that he had had frequent conversations with them; and my answer was. "the more fool you," or something to that effect.

In short, you gave him a good smart hit?—Yes, if you call that a smart hit. Whether upon this occasion I do not remember, but upon one or two occasions he was expostulated with by the elder Watson for his violence.

Do you recollect whether he said any thing about French prisoners?—Yes; he was the general spokesman; he was intruding himself upon every occasion: he related a story that he had been concerned and instrumental in taking two French prisoners out of the country, for which he had been imprisoned in Maidstone gaol for two years. I intimated across the table to the elder Watson, "Pretty company you have introduced here;" and Bryant added "Yes, pretty society we have got into, indeed." I beg leave to add, that Castle said that he had received £500 for carrying those French prisoners out of the country, and that he was to have £4 or 500 more for aiding in the escape of another French prisoner in Wales, but that he had been disappointed. His disappointment arose from this circumstance—that he could not get the French prisoner to ride on horseback; that he had carried him a considerable distance in a car, when he found it necessary to place him on horseback, but he refused to ride, upon which he said with an oath, "I drew out a pistol, and I waited for some moments to know whether I should blow the b——y villain's brains out or not. I had a d——d good mind to shoot him." Upon this Bryant and myself applied to Watson, or to some of the party, representing the necessity of their taking their friend out of the room as soon as possible. I believe upon this occasion some person, I believe young Watson, [it was the first and only time he spoke during the evening] endeavoured in some measure to justify the aiding in the escape of the prisoners, and I have the more reason to think that it was the younger Watson, because the elder reproved him. Castle then produced flag, with an exclamation that it was his flag, or in his possession, and he would have his heart cut out before he would part with it. I think at this moment he told us a story about the Spitalfields weavers of their having made the silk, and he having prepared the rest of the flag. I observed "Pray, sir, who do you think would attempt to take this flag: let me see it." It was then spread, and I read the motto, "Nature to feed the hungry, truth to protect the oppressed, and justice to punish crimes." I said, "I see no harm at all in this flag or the motto, and I am surprised at your violence about keeping possession of it." I believe that this occurrence took place previous to the history of the escape of the French prisoners. Castle then produced three or four knots or cockades of ribband of the same colour as the flag, and he offered me one of them. I refused; telling him "You had better give it to your sweetheart, if you have one," or something of that sort. He then offered it to Mr. Bryant, who said, "O yes, I will take it; it will do for my pretty little maid;" and put it in his pocket. After the history about the French prisoners, I got up and declared that he should go out of the room, or I would; and as I said before, represented to Watson the necessity of taking this fellow away: and I believe I should have persuaded them to turn him out, but Mr. Bryant, or some other person, said it would be better not to make a bustle, upon which I declared that if he uttered one more sentence of that nature, either he or I should go out of the room: upon which he expressed a sort of contrition, and said no more. Other conversation having then taken place, in a very few minutes afterwards. I saw him rolled up in his chair sound asleep.

Was this what is called a fox's sleep?—At first I expressed pleasure that he

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was silent; and I desired one of his friends for God's sake not to wake him. It was afterwards proposed by one of the party that they should go, and I requested that the first that went would wake him and take him away. His friends endeavoured, without success, to rouse him, though considerable violence was used; and as at that time I was thoroughly convinced that his sleep was sham, got up saying, "I'll wake him, here goes," I then struck him a blow in the side almost as hard as I could strike, and quite hard enough to have knocked any common man down. It, however, made not the least impression upon him, but he sat as still as if he had been dead. I then rang the bell, and ordered the bill which came to about 5s. 6d. each.

Had you at this time drank wine enough to make a man what is commonly called drunk?—The dinner was 3s. a head and I leave it to you and the Court to determine, whether the rest would buy wine enough to make any man drunk; but I say, on my oath, that no man in the room appeared the least intoxicated. I remonstrated with Watson about him, and Watson said that he was a very good fellow, but a little indiscreet and violent in his conduct. Watson appeared to have the greatest confidence in him. The whole party then got up and took their hats to go away. All on a sudden Castle was as wide awake as I am at this moment. The chair was taken from under him; but, without stumbling, he stood up, broad awake. I recollect coming to town on the 2d of December, from Wanstead, (where I had been to avoid all communication between the period of the two meetings) to attend the second Spa-fields Meeting, which was to take place at one o'clock, pursuant to the advertisements in the newspapers. In my way to Spa-fields, passing Cheapside, I had reason to suspect—

Mr. Justice Bayly.—Do you think, Mr. Wetherell, it is material to inquire why the witness went through Cheapside?

In point of fact, witness was going along Cheapside in his way to the Spa-fields meeting, in his tandem. He had come out of Essex that morning, and and was going towards Newgate-street. While passing along he observed a considerable crowd of people on each side of the street, passing towards the Mansion-house. While looking about to ascertain the cause, his eye discovered Castle, who was in the crowd. He left it and ran up to witness's carriage. He was then about five yards on the west side of Bow Church. He was driving rather slow. Castle ran up and stopped him, and said, "For God's sake, how came you to be so late to-day at the meeting," or, "so much after your time?" or something to that effect. Witness said, "After my time?—why, it wants twenty minutes to one o'clock," pointing to Bow Church clock, and, at the same time, pulling out his own watch, by which it wanted about a quarter to one, and added, "I'll get there in very good time." "O!" said Castle, the meeting has been broken up these two hours—we are going to the Tower, which has been in our possession for more than an hour.—Come along!—come along!" Witness struck his horses and said to Castle, "Damned scoundrel," and drove off for Spa-fields. If Castle had not got out of the way, one of the wheels would have knocked him down. He proceeded on to Spa-fields, where he saw one of the largest meetings he ever beheld before that time.

Cross-examined by the Attorney-General.—Does not recollect all the persons who were present at that meeting. Believed Hooper was there, but that Preston was not. Had reason to believe Preston was not there. Does not know how many persons were in the room at the Merlin's Cave. Bryant, himself, and

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Clarke, were there. Did not know above eight or nine persons by name who were present. The dinner-party at Bouverie-street lasted about two hours and a half. They separated about eight o'clock. The adjourned meeting at Spa-fields was to take place at one o'clock, and did take place at one. Watson, the elder, knew that; and all the parties knew it. They must have heard it, as it was stated at the first meeting, at which time witness announced his intention of attending the meeting of the 2d of December, at one o'clock. That was generally understood by every one; and witness had reason to believe that the prisoner knew of his intention to attend the meeting; the assembly was immense. Witness was not alone in his tandem; he had his servant with him. Witness came from Wanstead, in Essex, on the morning of the 2d of December, and had come through Whitechapel. Went out of town to avoid any communication with any human being.

WILLIAM BRYANT *sworn*.

Examined by Mr. Serjeant Copley. He was an attorney, and formerly clerk of the papers in this court. He knew the last witness for 4 or 5 years; he saw him on business on the morning of the 15th of November, they agreed to dine together.

After corroborating Mr. Hunt's testimony, witness stated that he gave as the first toast from the chair, "The King," which Castle refused to drink, and proposed, "May the last of Kings be strangled by the guts of the last of Priests." Witness instantly proposed that he should be turned out of the room—he then said, that he had been greatly injured by Government, and confined for two years for assisting in the escape of French Officers. On inquiring about the colours that had been at the Meeting, Watson gave a classical definition of the three colours in the flag. *White*, he said, meant Truth; *Green*, Nature, and the *Red*, Justice. It appeared singular that on witness calling for the dinner bill, Castle fell instantly asleep, or appeared to do so: and on collecting the bill there was a deficiency found of Castle and another, which witness and Mr. Hunt agreed to settle. They tried for some time to awaken him, but the more they pulled the sounder he appeared to sleep. At last they had the curiosity to see if he had any money after ordering the dinner. Mr. Hunt shook him until he got up, and they then found that he had no money at all. He certainly went asleep in an extraordinary manner all in a moment.

The Jury. How was Castle dressed on that occasion—respectably and decently?—Not very well dressed; I think rather otherwise; not in the way he is dressed now. I have not seen him from that time until Thursday last, when he was examined here.

Lord Ellenborough. How came you to sit for two hours with a person who has been represented to behave so ill?—There was a great mob round the house, and we were afraid that if we attempted to force him out it would be attended with danger.

JAMES WRIGHT *sworn*.

He produced a copy of a certificate of marriage, which he had compared with the original registry in the parish church of St. Sepulchre.

Mr. Justice Bayly. Must you not identify the parties named in that certificate?—The certificate alone is not sufficient.

George Philpot was called for this purpose, and *sworn*.

Lord Ellenborough. Do you object to this evidence, Mr. Attorney-General?

The Attorney-General said, that if the evidence tendered was to be adduced for the purpose of contradicting any part of Castle's statement, he did not see how he could well resist it; but if it was offered as a proof of an act of criminality in that person's conduct, he conceived that upon general principles such evidence was not admissible. All cases, whether civil or criminal, must be tried by the same rules of evidence. If the evidence offered was for the purpose of proving any particular offence, supposed to have been committed by the witness Castle, he apprehended it was not admissible, unless the object was to contradict him, for otherwise it would be putting the witness upon his trial for offences alleged against him, to which he could have no opportunity of offering any defence.

Lord Ellenborough requested Mr. Wetherell to repeat the words of Castle's evidence with respect to which he proposed to offer proof to contradict him; for his Lordship presumed that the object of the evidence offered was to contradict the witness.

Mr. Wetherell said, he did not produce this as evidence of contradiction, but to prove—

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Mr. Justice Abbott. To prove a crime, no matter what.

Mr. Wetherell. Both bigamy and perjury.

Mr. Justice Abbott. Mr. Wetherell; when an objection is made to the reception of a piece of evidence like this, it is not usual for the counsel to do more than to state generally that it is to prove a crime; that is all that is necessary to raise the question: it is not usual to assert what crime it is to establish.

Mr. Wetherell. Then, without going into the particulars of the evidence which I propose to adduce, I confidently submit that I am entitled to prove that this man Castle has been guilty of such crimes as totally disqualify him as a credible witness in a court of justice upon any question. I apprehend that the rules of evidence are not totally different from the rules of common sense. You are entitled, I take it, to prove against any man such acts of criminality, as shall render his testimony incredible.

Lord Ellenborough. Do you propose offering in evidence the record of his conviction for the crimes you impute to him?

Mr. Wetherell. The proposition I have submitted to your Lordship I take to be clear law.

Lord Ellenborough. Then you do not offer in evidence any record of his conviction?

Mr. Wetherell said that he was not in a condition to offer in evidence any record of conviction, but he submitted with confidence that he was entitled to offer general evidence of the witness's criminality. He admitted that if the object was to put the witness upon his trial by such proof, it could not be admitted. It might happen that the witness had never been prosecuted for his crimes, or that he had received a pardon from the Crown; but that would not preclude the counsel for the prisoner from proving that such crimes had been committed, so as to disqualify the witness from being entitled to credit.

Lord Ellenborough. You have no right to assume that such crimes have been committed, unless you produce the record of the witness's conviction.

Mr. Wetherell. I only put it as an answer to the argument offered against the reception of such evidence without proof of legal conviction, that I have a right to prove by evidence accumulative guilt.

Lord Ellenborough. It will shorten the argument if you will cite an instance where such evidence has been admitted.

Mr. Wetherell. I think it is incumbent on the Attorney-General to cite an instance where the contrary has been held.

Lord Ellenborough. A witness may refuse to answer a question which tends to criminate himself; but if he does answer, you must abide by the answer he gives. That is a doctrine laid down by Mr. Justice Lawrence, and it has received the sanction of all the judges.

Mr. Wetherell said he was aware of that decision; but he submitted that where a man had committed crimes for which he had not been prosecuted, and where the law in that case was *functus officio*, it was competent for the counsel for the prisoner to get rid of the evidence for the witness, by proving him to have committed such offences, notwithstanding the quiescence of the law.

Lord Ellenborough. The contrary is clearly the case.

Mr. Wetherell. I apprehend what I state is clearly the law.

Lord Ellenborough. Give us some case warranting your proposition.

Mr. Wetherell wished to have a case cited to the contrary. The learned counsel argued with great emphasis that which he contended for was the true rule of evidence, having never heard it disputed before.

Lord Ellenborough. If you have the record of the conviction we will receive it; but this is not a forum to try collateral crimes.

Mr. Serjeant Copley followed the same line of argument with Mr. Wetherell. He was not prepared with any case upon the subject, because he could not suppose that a rule of evidence founded upon such clear principles of right reason required any case to support it.

Lord Ellenborough stopt the Attorney-General in his reply, and said, that the Court would be wanting in its duty if they were to require any reply to such an argument as had been offered by the prisoner's Counsel. It was quite clear that this Court had no right to try collateral crimes alleged against a witness not upon his trial. The court would receive general evidence, that the witness was not to be believed upon his oath, or they would admit the record of his conviction for any specific crimes of which he had been found guilty. But they could not receive evidence of particular

crimes supposed to have been committed by him, without having an opportunity of defending himself. If the contrary rule were held, the Jury might be called upon to try a witness for fifty different crimes, and it would be imposing upon them a duty which the constitution of Courts of Justice never intended. Without any case or precedent to sanction the argument relied upon, his Lordship must enter his protest against this novel doctrine.

Mr. Justice Bayly perfectly concurred with the Lord Chief Justice in his opinion, and referred to Mr. Phillipps's Treatise on the Law of Evidence, p. 212, for the following rules for the impeaching the credit of a witness: "1. The party against whom a witness was called, may disprove the facts stated by him, or may examine other witnesses, as to his general character; but they will not be allowed to speak to particular facts, or parts of his conduct; for, though every man is supposed to be capable of supporting the one, it is not likely that he should be prepared to answer the other without notice; and even if he should happen to be prepared to defend himself, such evidence would generally afford a very slight and imperfect test of his credibility. The regular mode is to inquire whether they have the means of knowing the former witness' general character, and whether from such knowledge they would believe him on his oath. In answer to such evidence against character the other party may cross-examine the witnesses as to their means of knowledge; or may attack their general character, and by fresh evidence support the character of his own witness. 2. The credit of a witness may be impeached by proof that he has made statements out of Court, on the same subject, contrary to what he swears on the trial."

Mr. Justice Abbott was clearly of opinion that this was evidence which ought not to be received; and if the Attorney-General had not objected to it, it would be the duty of the Court to have interposed to prevent its reception. The learned Judge referred to the last edition of Mr. Peake's book upon Evidence, p. 160, where it was laid down by Lord Chief Justice Treby, on the occasion of a trial at the Old Bailey, that no question could be put to a witness, the answer to which would bring him into discredit or disgrace [illegible]. His Lordship also referred to a case decided by the late Chief Baron Thompson, in the Court of Exchequer, in which his Lordship was of Counsel, where the doctrine now laid down was recognized by that learned, upright, and humane Judge.

Mr. Justice Holroyd also concurred with the rest of the Court, and said, that the principle now laid down was not at all new. His Lordship alluded to the case of Spencely q. t. v. De Willott, 7 East's Rep. 108, where it was held that a witness cannot be cross-examined as to any collateral independent fact irrelevant to the matter in issue, for the purpose of contradicting him, if his answer be one way, by another witness, in order discredit the whole of his testimony.

GEORGE PHILPOT *sworn.*

Examined by Mr. Serjeant Copley. I have known Castle since the beginning of 1811. I have not seen him for two years; but from what I know of him, I hardly think he is to be believed on his oath. In fact, I say he is not.

JAMES LAWSON *sworn.*

Examined by Mr. Wetherell. He is concerned with the Times newspaper; has known John Hayward, of Stangate-street, Lambeth, calling himself a stock-broker, upwards of ten years; he knew him from a boy, and considers him a person not to be believed, at any time, on his oath.

Cross-examined. Had he ever heard him examined on oath?—No. But his opinion was, that he was a person not to be believed on oath.

WILLIAM HAYDON *sworn.*

Had known Hayward for five years, and, from the knowledge he had had of his character, he did not consider him a person that ought to be believed upon oath. He never was a stock-broker, he had been publisher of the Courier some time ago.

ROBERT CURTIS *sworn.*

Has known Hayward by the name of J. W. Haywood. He knew him to be a man who seldom fulfilled his engagements.

GEORGE SPURRELL *sworn.*

Has known Hayward to be a rogue, and could prove it, if the Court would permit him.

JOHN SCOTT *sworn.*

He was a reporter to the Morning Advertiser, and attended both meetings at Spafields; he went there to take notes of the speeches; on the 2d c[illegible]

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December he was within four or five yards of the waggon at one time, and could not maintain his ground for an instant, with the crowding and pushing of the mob; it was impossible to take notes in such a crowd, at least, he could not do it; during ten minutes that he was near the waggon, he could not distinctly hear a sentence, except some animadversions upon the Prince; he left Mr. Watson speaking.

SAMUEL STEERS *sworn.*

Was a reporter to the Morning Herald. Knew Mr. V. G. Dowling; on being asked whether he had ever conversed with him on the subject of a place or office, he replied that Mr. Dowling had once mentioned to him that in consequence of his connection with these prosecutions, he had been introduced into the Home Department, which led to both his own and his brother's employment as short-hand writers, by which he received about £300.

Mr. Wetherell here notified that the evidence for the prisoner was now closed.

Mr. Serjeant Copley then addressed the jury. He spoke the most unfeigned sentiments of his heart when he assured them, that no words he could employ were capable of expressing what he felt on this important occasion. He had to address them on a record the most important in its circumstances at the present moment, and in the consequences which might result from it, that ever was tried in this country. The prisoner at the bar, as a man and a member of the community, had every thing at stake in the result of this investigation, and the interests of the country were deeply involved in the precedent which their verdict would establish. He feared that his powers were not such as to enable him to do justice to the task he had undertaken; but he was animated in discharging it by the consideration that the persons he had to address would be as disposed to excuse, as they were capable of supplying, any deficiency which might be experienced on his part. He felt that he was addressing an English jury; a jury drawn from the most independent portion of the people of this country, and composed of gentlemen, who, from their education, attention, vigilance, and penetration, were, he was satisfied, the very best that could have been chosen to try a question of this nature. In addressing such a jury, it was almost superfluous in him to remind them of the necessity of banishing from their minds every thing which they might have heard relative to the case out of doors; but, in the state of the press in this country, it was impossible but that many statements respecting the prisoners must have come under their notice, and that the circumstances which had given rise to these trials must have been frequently discussed. He could not, however, refrain from expressing his anxious hope, that nothing of that kind should influence their minds; and that whatever they might have before heard on these matters, or even whatever opinions they might have formed before they came into the Court, they were now prepared to attend to the evidence alone. He thought it the more necessary to take the liberty of calling their attention to this duty, on account of what had been put forth on the state of the country from high authority. It was matter of notoriety, that reports were drawn up by secret committees of both Houses of Parliament: on these reports, the law for suspending the Habeas Corpus Act had been put in force, and it was probable they might have met the eyes of the jury. He therefore called upon and implored them to dismiss from their consideration every thing connected with these reports. He well remembered, that in 1794, and perhaps some of the jury would recollect the same fact, the state trials of that period were preceded by reports similar to those which had been promulgated during the present Session of Parliament; but the independent juries who tried those memorable cases were cautioned by the great persons who presided over the Court to dismiss those reports, and every thing else but the evidence adduced before them, from their minds. That caution was not given to that jury in vain. They pronounced a verdict which, however much it was cavilled with by some persons at the time, had since obtained the approbation of every thinking person in the country. They acquitted the persons accused. There was another consideration to which he wished to call the particular attention of the gentlemen of the jury, which was, that nothing which had been done by the prisoner at the bar, however much they might disapprove it, ought to prejudice him in their decision, unless it appeared that he had been actually guilty of the offence for which

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he was actually tried. He may have misconducted himself in various ways, he may have been engaged in riots, or committed offences which merit punishment; all that is nothing, if he have not been guilty of the particular offence with which he is charged. In England, and in every free country, it is indispensable that the law should clearly define crimes, because, without a precise definition of what was punishable by the law, there could be no safety for the people. If this principle be applicable to laws in general, it cannot be excluded from the law of treason. There, indeed, it is particularly necessary that the principle should be observed, on account of the nature of the punishment; and also, because the State, which appears as the prosecutor, has the command of extraordinary resources and means, and is served by the first legal talents in the country. The prisoner has no means of withstanding the force brought against him, nothing to rely on for his defence against the weight of power and talent which is brought against him, except the precision with which the crime of which he is accused is defined. In saying this, he was not merely stating his own opinion, but that of the learned commentator of the laws of England. Mr. Justice Blackstone, speaking of treason, says, "As this is the highest civil crime, which, considered as a member of the community, any man can possibly commit, it ought therefore to be the most precisely ascertained; for if the crime of high treason be indeterminate, this alone (says the President Montesquieu) is sufficient to make any government degenerate into arbitrary power." Here Blackstone not only gives his own opinion as an English lawyer, but quotes that of a philosopher, who, living under an arbitrary system of Government, had learned to value those securities which defend personal liberty. Blackstone proceeds thus:—"And yet by the ancient common law, there was a great latitude left in the breast of the judges to determine what was treason and not so: whereby the creatures of tyrannical princes had opportunity to create abundance of constructive treasons—that is, to raise by forced and arbitrary constructions, offences into the crime and punishment of treason which never was suspected to be such." Then, after giving some instances of the vague and uncertain state of the law of treason, he says, "But, however, to prevent the inconveniences which began to arise in England from this multitude of constructive treasons, the statute 25 Edward III. was made; which defines what offences only, for the future, should be held to be treason: in like manner as the *lex Julia majestatis*, among the Romans, promulged by Augustus Cæsar, comprehended all the ancient laws that had before been enacted to punish transgresions against the state. This statute must, therefore, be our text and guide, in order to examine into the several species of high treason." The foundation of the present law of treason, is accordingly this statute. Before it was passed, the law was quite indefinite and uncertain. What was called encroaching on the royal power, and various other vague offences, were made treason; and, as Lord Hale has observed, every offence that seemed to be a breach of allegiance, was, by construction, and consequence, and interpretation, wrested into high treason. It was to put an end to these monstrous laws, that the statute of Edward III. was enacted. That law comprises various treasons: the first was, conspiring to compass and imagine the death of the King; the second, conspiring to levy war against the King. The various other treasons in the act it was unnecessary to state to the Jury, as they did not apply to this case: but the Act of Parliament not only defined what treason was, but what was quite uncommon in statutes, it pointed out the manner of the proof. It expressly required, that the accused should be upon sufficient proof attainted; and that he should be *proveably* attainted in open court. Lord Hale, commenting on this passage, says, that the adverb 'proveably' has in this act great force, and signifies distinct and manifest proof. So highly was this act of Edward III. esteemed by our ancestors, that the Parliament which passed it was called the blessed Parliament; and it has always been regarded as the most valuable and important on the statute book. Notwithstanding the esteem in which this Act of Parliament was held, and the importance of its noble provisions, such is the disposition of power to increase, that new treasons were introduced in the next reign. But these were again happily repealed by the statute of Henry IV. which annihilated the multitude of extravagant treasons created under Richard II. and declared that no treasons should be judged

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otherwise than was obtained by the statute of Edward III. After the reign of Henry IV. however the disposition to create new treason revived, as was particularly exemplified by the laws passed in the reign of Henry VIII. But in the first year of the reign of Queen Mary all the ridiculous treasons were swept away, and the law brought back to the state in which it was placed by the act of Edward III. This was a short account of what had been done by our ancestors with respect to the law of treason; and the reason why he pressed it on the attention of a jury, was to shew them the importance, the absolute necessity, of a precise definition of treason, and of the proof of its commission being most manifest. Now had these principles been adhered to in the present case? Of this indictment he would repeat what had been said by his learned friend, that in length and prolixity it was altogether unexampled. There were four counts, and all the facts charged were gone over under each. It was first inferred that the prisoner had compassed and imagined the death of the king; but lest the jury should not be induced to come to that conclusion, it was next inferred that he had conspired to depose the king. If this would not do, then there was a count charging him with levying war against the king. And, last of all, they were called upon to say, that he had conspired to compel the king to change the measures of his government. From the various ways in which the crime was charged, from the diffused nature and endless repetitions of this extraordinary indictment, it appeared that the framers of it were quite uncertain whether there was any treason at all in the case; and had spread their net thus widely, in the hope of being able, by some means or other, to catch a verdict. He should call their attention more particularly to the charge of levying war; because if it should be their opinion that what was inferred to be a war was really no war, then the charge of levying war consequently fell to the ground. They had all lived in the metropolis at the time the events, recorded in the indictment, occurred. Did they ever suppose these occurrences amounted to levying war against the king? In plain common understanding, was there any thing like levying war in the case? There was little of novelty in the evidence: most of the facts had been long known to the public, except what was related in the evidence of Castle, of which he should hereafter speak. The officers of the crown were not ignorant of the meeting in Spafields, nor of the speech said to have been delivered in the waggon; for they had obtained a copy of it from the notes of Mr. Dowling. The papers found on the elder Watson, when he was taken by the patrole at Highgate, were immediately put into their possession, as were also the papers found in the place occupied by young Watson. They were well acquainted with the riots in Skinner-street, in the Minories, and at the Tower. In short, every circumstance of evidence appears to have been well known to the Officers of the Crown within a few days after the transactions happened. But, with all this knowledge, what did they do? If they believed that there had been a treasonable conspiracy, had they done their duty? No charge of treason was then heard of. Did this arise from negligence on the part of the Officers of the Crown? No. It certainly did not, for they were known to have carefully investigated every fact, and they had, in consequence of that investigation, instituted two prosecutions, one for felony, and another for misdemeanour. What inference was then to be drawn from this conduct on the part of the officers of the Crown? Why, plainly this—that they did not consider these riots to be a levying of war. He said this without reference to that evidence with the precise time of the first communication of which he was unacquainted—he meant the evidence of Castle: but the jury ought to expel that man's evidence from their notes. He felt, however, that he did wrong to desire them to expel it, for it stamped a mark upon all the rest of the evidence for the prosecution in this case. He, therefore, intreated that they would not expunge it, but that they would carefully retain it; and, when they might have any doubt on their minds respecting any other part of the evidence, that they would carefully look back to that of Castle to solve it, and then he was sure they would not fail to consider what must be the nature of that case which requires the support of such a witness. What the jury had to consider was the charge of levying war. Now, what is levying war against the King? Many circumstances had been construed into levying war against the

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King, which had not entered into the contemplation of the framers of the act of Edward III. Several circumstances had been enumerated by Lord Hale: such as going into the presence of the King to compel him to change his counsellors—to resist the King's forces by defending a castle against him, and the like. In the case of Lord George Gordon, it had also been laid down as law, that an attempt by intimidation and violence to repeal a law, is a levying war against the King. The cases in which this construction had been given to riots were of very questionable origin. The first instance took place in the reign of Henry VIII. when an insurrection for raising wages was held to be high treason. But, let it be remembered, that this was decided in the reign of one of the most arbitrary monarchs; that was decided at a time when it was not unusual for the King to confer with judges on the judgments they were to pronounce; that it was decided at a period in which there are instances of the Bench being new modelled by order of the Crown. Under such circumstances this decision was not calculated to command much respect; but, as it stood upon record, its authority could not be disputed. There was another case of a similar nature in the reign of Queen Elizabeth. These two cases were pointed out by Lord Hale, as instances of constructive treason; and, having thus been made treason, they must abide by the decision. Benstead's case, which consisted of persons going to attack the Archbishop of Canterbury, was decided at a period of civil war, and under circumstances which render it impossible that any reliance can be placed on it. In short, to authorise the construction which makes a riot treason, the parties must have a precise, definite, and general object, such as to pull down all meeting-houses, all enclosures, and the like, where the universality of the design made it treason. In the present case, then, there could be no treason, unless the jury were satisfied that there was a conspiracy for overturning the Government; for that was the object attributed to the prisoners. But if the jury did not find that they had entertained that design, then there was no treasonable insurrection, nothing but a common riot, and they must be acquitted. Now let us consider the present case.—A meeting took place at Spafields on the 15th of November, and adjourned to the 2d of December. Every publicity was given to the persons who conducted the meeting and their proceedings. They are thus supposed to have conspired, and at the same time to have given notice to prevent their conspiracy from taking effect. He did not say this was quite conclusive; but surely the notice enabled Government to be prepared to meet the event. What was done on the occasion was well known, and the prisoners could not be so ignorant as not to be able to conjecture what would be done. If they had any design to overthrow the Government they would not have given this notice, unless they had been perfect idiots. This observation, he was confident, would have its due weight with a jury, notwithstanding the apothegm of his learned friend, the Attorney-General, that desperate men would resort to desperate measures. It was true that desperate men, in circumstances over which they had no controul, might be expected to act desperately: but here the circumstances were created by themselves; the difficulties and obstacles with which they had surrounded themselves might have been avoided, if they had refrained from giving this notice. This was a point of importance for the consideration of the jury, when the question on which they had to decide was a question of intention. And here they were to recollect, that it did not follow because riots had taken place, that there was a levying war against the King. There must be a deliberate design to overthrow the Government. Mere acts of war were not sufficient. The intention was the necessary and indispensable ingredient. A stronger instance of the truth of this doctrine than the riots of 1780 could not be given. There were then many thousands in a state of insurrection—they appeared in a sort of military array, and marched through the streets

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Mr. Serjeant Copley's Speech in defence continued. The Solicitor-General's Reply.

with colours flying—they assembled in a menacing attitude round the House of Commons—the metropolis was several days in their possession; yet there never was any indictment preferred on account of those riots, extensive and mischievous as they were, except the one against Lord George Gordon, and he tried and acquitted, precisely on the ground of there being no proof of the intention attributed to him. His learned Friend had referred to the Riot Act, the preamble of which declares, that it was passed to stop rebellious riots and tumults. It was evident, therefore, that the law did not consider mere rebellion sufficient to constitute treason; there must be connected with it, as he had said before, the essential ingredient of an intention to overturn the Government. Now, how could they find any ground for attributing that intention to the prisoners, except in the evidence of Castle alone; and if they blotted out his evidence from their notes—which, however, as he had said before, he wished them not to do—do not blot it out, but let it remain that it may be "the pillar of fire by night, and the cloud of smoke by day," which was to guide them through this long and complicated inquiry—there was not the slightest proof of conspiracy. It is said that he is an accomplice, and that an accomplice may relate the truth. Certainly; but it was for the Jury to judge what credit was due to such a witness. He thanked the Crown officers for having called him; he thanked them for having submitted him to the examination of the Learned Friend. He was certain that if this were not an affair of life and death; that if it were a mere pecuniary question, the jury would not credit such evidence: but in a case of high treason, it would be an insult to common understanding to suppose they could build a verdict on proof of so baseless and rotten a foundation. But it is said he is confirmed in some of the circumstances, and, therefore, the rest of his statements must be believed. This was what might be said, with equal truth, of every man who told a long story. He had taken eight hours in telling his. That he might be confirmed in some unimportant particulars nobody would deny; but was that sufficient to entitle him to credit? The mischief which this doctrine might produce was incalculable; but, the Jury would recollect that Titus Oates, that infamous witness, who had been convicted of perjury, was confirmed in most material facts; and yet his statement was false. He had, however, to tell his story in times when the heat of party-passion was great, and to Judges who were disposed to believe him. What is the character of falsehood? Falsehood does not invent; it does not wholly create; but misrepresents or exaggerates. It perverts some circumstances, adds to others, and its general object is to engraft on truth some exaggerated statement. It follows, therefore, from the very nature of falsehood, that it must be confirmed to some extent. He did not say that an accomplice was always to be discredited: a man may commit a crime, and repent of it. If, on being called into Court to give evidence, he is confirmed, not in trifles, but in the most essential facts, and if there be no suspicion of any corrupt motive influencing his conduct, the Jury might venture to give him credit. Now, all that he asked was, that the testimony of Castle should be tried by this rule. What was the previous character of this man? A character more infamous, more abominable, had never been brought into a Court of Justice. He was not a man who had committed an error which he endeavoured by subsequent conduct to retrieve; but—and he was confident, he

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said, nothing that could revolt the feelings of those who heard him—a hardened practised villain. Having said this of his character, it was scarce requisite to go into the particulars of his story. To discuss them might, perhaps, tend to weaken the discredit that was due to the whole. Could the Jury believe any part of his relation? Could they conceive it possible that any persons in their senses would form a plan for barricading the inlets to the metropolis, with the assistance of drunkards, or any sort of people they might pick up in the streets? The story would be ridiculous if related by any individual; but when they found it told by such a man as Castle, they must attribute it to the most wicked of motives. He thought the case needed only to be stated in this plain way; indeed in no other way was he capable of stating it; and the prisoners, in selecting him for one of their counsel, must have had a full confidence in the truth and simplicity of their case, for they knew that he had no powers of eloquence to move the jury, and could only lay the facts before them in an honest and straight-forward manner. He had said that the evidence of such a man as Castle, to be entitled to credit, ought to be confirmed in the most important points: on the contrary, it had in that respect been most essentially contradicted. At the dinner at the hotel in Bouverie-street, into which he intruded himself, he stated that the health of the King had not been drunk; that he had entered into no conversation about the soldiers; that he had not fallen asleep; and that there was no threat to turn him out of the room. In all these statements he was completely contradicted by Mr. Hunt and Mr. Bryant. These were not inconsiderable circumstances, and yet they were but of slight importance compared with the magnitude of that contradiction which related to an occurrence of the 2d of December. The jury would remember the memorable interview which Castle had described himself as having had with Mr. Hunt on that day in Cheapside. He then stated, that the Tower had been in their possession for an hour, and desired Mr. Hunt to go with him there; and yet he had upon his oath, in that Court, positively denied that such conversation had passed between him and Mr. Hunt in any manner whatever. He was now talking only of the gross falsehood of this man's evidence, independent of the horrible malignity he had shown towards Mr. Hunt and the prisoners, which was sufficient to deprive him of credit in any civilized country. But he had not yet tried the evidence of this man by all the tests to which he had proposed to subject it. The jury would recollect, that, according to his own statement, he had been fed and supported by the Police Office of Bow-street. Money had been given him to pay for the conveyance of his wife to Yorkshire; and it was not unreasonable to suppose, that she had been removed there to prevent her evidence being given as to that offence which the Counsel for the prisoners had been prevented from proving against Castle in another manner. He could not understand why money should be paid to her to go to Yorkshire on any other ground, especially as her evidence would have been of importance to the Crown, as she might have confirmed several material facts in the evidence of Castle, if the circumstances were true. But it is said, he is confirmed in some things. Let us look at the circumstances of his confirmation. Mr. Watson, of whom he tells the improbable story, that he first introduced himself to him with the observation, that it would be easy to overturn the Government, if the plan were well managed, called on him, he says, the next day, and shewed him the drawing of a machine for destroying the cavalry, and a plan of the Tower. Now the Jury would recollect that these papers have been in the custody of the Bow-street office; and Castle, from intimacy with the officers of that department, might easily have access to see them. Is it then any thing improbable, that so practised a liar as he is, should endeavour to build a story on these papers? Yet, on looking at such a circumstance as this, the Attorney-General had gravely exclaimed, here is confirmation. He did not mean to state, that his learned friend had said this directly from his own judgment, but it was the language of the cause he had undertaken to support. He had too much respect for the understanding of his learned friend to suppose, that he would say any such things in direct terms. Castle had stated, that the plan of the conspiracy was formed in Greystoke-place; there was another witness present, Mr. Harrison; his name is in the list of the witnesses of the prosecution, why has

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he not been produced? In the conduct of a civil cause, where a few pounds only are at stake, a little address on the part of those who manage it might be excused: but it cannot be supposed that the officers of the Crown would resort to any quirk or subterfuge in a case of high treason; yet why have they not called their own witness; and a witness, too, of the greatest importance, as he was present at the very hatching of the conspiracy? This can be explained on no other principle than that they were afraid he would contradict Castle. He knew it would be said that the prisoners might call him: that certainly was true, but it was the duty in the first place of the officers of the Crown to make out the affirmative. If the object of the Crown were the investigation of truth, they would bring forward every evidence that could be capable of illustrating the case. This person could have explained every thing, could have cleared up every doubt. For instance, the testimony of Castle excepted, there is no evidence that the prisoner ever saw the pikes. (Here Mr. Wetherell said, "Spikes you mean to say.") His learned friend had said he ought to call them spikes. He did not care whether they were called spikes or pikes. All that appeared from Castle's evidence was, that they had been deposited at young Watson's; but if that were true, was it to be presumed that the prisoner had seen them? Harrison was to make the handles. Why was he not called to prove that fact? These pikes, too, were to be used at the meeting; and yet they never appeared at the meeting. He did not care what evidence applied to young Watson; a thoughtless, sanguine youth of 20 years of age; and who, if he had been guilty of any improper conduct, had been evidently led into it by Castle, who had fastened upon him to sacrifice him. It was true, that if the evidence established the existence of a conspiracy to overturn the Government, then the act of one would be the act of all; but that must be made out to the satisfaction of the Jury, before any evidence respecting young Watson could affect the prisoners. Another point in which Castle was said to be confirmed, is the walk which he states he took with a man called Skinner, and with whom he held a conversation about the avenues. He had little doubt but that there was some truth at the bottom of this statement. There had been just enough of fact to enable Castle to build a story upon it. The account of the shop which was to be taken from Mr. Cosser is another circumstance in which Castle is said to be confirmed; but there is no proof that young Watson might not have it in view to go into business in the way stated. A reference was given to Mr. Thistlewood, and he, it appears, did not mention Mr. Watson the elder to Mr. Cosser, but described the family in Lincolnshire. Now, this certainly was not altogether correct in Mr. Thistlewood; but, in wishing to get credit for the young man, it was easy to see the motive he had for speaking of the other branches of the family, and avoiding to touch on the unfortunate situation of the father. If, indeed, Castle had been suddenly seized, and in telling his story those facts had come out incidentally, they might have some title to be regarded as confirmations; but they assumed quite another character when he had been allowed full time for the exercise of his artifice, and so many months had been allowed him for engrafting falsehood and truth. It was strange to hear how this wonderful conspiracy had been given up. A part of the plan of these great conspirators, it seems, was to seize on the plate of all the nobility; and yet the taking of this house, so necessary for their purpose, was given up on account of 15l. being required for entry-money. The money, too, was not required to be paid down; a bill might have been given which would not have become due until the revolution was over. The papers which had been taken in Watson's pocket by the patrole at Highgate were also relied on as confirming the story of Castle; but where were these papers taken to? Like all the others, to Bow-street, and there Castle must have seen them. [Here the Attorney-General addressed the Court, objecting to this course of argument.] Well, he certainly should not press this point further than it might be fairly urged. He must say, however, that he believed those papers had formed the foundation of the story of the Committee of Public Safety. They had not been proved to be in the hand-writing of Mr. Watson, and had just served to enable Castle to ingraft a story upon them. Then all the great confirmations amounted merely to the walk with Skinner, the bargaining

respecting Castle's house, and the papers found in the pockets of the prisoner. Of what importance were these trivial circumstances towards the confirmation of so extraordinary a plot? If, therefore, they left out the evidence of Castle, there was nothing like proof of any conspiracy. But he again conjured them not to leave that evidence out; for to do so would be doing injustice to the prisoner, for it was an evidence which infected the whole cause, and corroded what might otherwise be sound. He had now to direct their attention to the other parts of the case; and here he would ask the Jury, if, after disbelieving Castle in his story of the great plot, they would believe what he said with respect to any thing else? It was well known that there had been a meeting in Spa-fields on the 2d of December. It might be regarded as a mischievous meeting, and the parties concerned might have had other objects in view; but nothing that had happened was sufficient to induce the Jury to believe that the prisoners had formed a treasonable conspiracy, to be carried into execution on that day. That the parties had been at Spa-fields was also true, and so was the printing of the placards; but here again he must ask, because Castle is confirmed in some trifling particulars, is he to be believed in every thing else? The same remark applied to what had been proved about the waggon, and the parties dining together on the Sunday before the meeting. Was he confirmed in essential facts, because such things as these had been proved by other witnesses? What had been proved respecting the soldiers might be felony, under a particular act of Parliament, which had been passed to prevent the seduction of persons serving in the army and navy; but, unless the conspiracy was first made out, how cruel and unjust would it be to make evidence of these facts apply to Mr. Watson or any of the prisoners who were not proved to have been present? He did not say that many of the proceedings at the Spa-fields meeting and other transactions of that day were not improper; nay, criminal and deserving of punishment: but then they were not to be punished in the way proposed by this indictment, for they did not amount to high treason. But the advertisement for the meeting had been dwelt on. Was it possible that there could be any objection to that, unless it was meant to be said that that inestimable right of petitioning, for which our fathers had fought and bled, was now to be treason? The Attorney-General had intimated his giving up that point, but that he took as no concession. The right of petitioning had never been questioned since the tyrannical time of Charles II. [Here the Attorney-General hinted that he did not question that right.] He knew his Learned Friend could not question it; but it was impossible he could avoid the observation he had made when he reflected on the manner in which the indictment against the prisoners was drawn, and the spirit in which the prosecution had been commenced. With respect to the attempt which had been made to introduce the Spenceans into this case, his Learned Friend (Mr. Wetherell) had already said enough. He would only observe, that the object of the Spenceau societies was, not to make a division of property, but to vest all the property of the country in the Government. This was a very absurd proposition, but it formed no part of the charge against the prisoners, and therefore he and the Jury had, at present, nothing to do with it. Then, there was a motto, "England expects every man to do his duty!" What, was the language of Nelson treasonable? These were the words of that immortal hero, addressed to those men who defended their country, and performed deeds of enthusiastic patriotism and deathless renown. But there was something said of the state of Ireland. He had seen speeches of members of Parliament published in the newspapers, which contained expressions fully as strong and as inflammatory. He did not say but such language might be mischievous; but he contended it was not treasonable. Colours were displayed, and this was treason. His learned Friend, in his examination of Dowling, spoke of *the* tri-coloured flag; now, it was not *the* tri-coloured flag, the signal of revolution, but *a* tri-coloured flag. The Attorney-General had talked of it as an imitation of the flags of the French Revolution. It was not so. The French flag contained white (the crown,) red (the nobility,) and blue (the people). The flag here was green (nature,) white (truth,) and red (justice). There was no law to prohibit such a flag, and there was no treason in displaying it. The tri-colour was quite a frivolous circumstance: tri-colours were in his eye (pointing to the yeomen of the guard)

every day. He now proceeded to consider what took place at the Spa-fields meeting. At the very time the waggon came up there, magistrates, police-men, and constables, were on the ground. Limbrick says he was there three quarters of an hour before the mob came to Coppice-row; and from the achievements of Mr. Stafford, it was manifest that half a dozen such as he could disperse them all. Yet they suffered the meeting to go on. Fifty lancers were stationed in Gray's Inn-lane, and could be brought to the field in a moment: 50 lancers were more than equal to 50,000 men, if the meeting was so numerous. By not acting they showed that they did not consider the meeting mischievous. He wished to God they had interfered; they had then saved the Jury, the Court, and the Country, much inconvenience; but by not interfering, they showed their conviction that the meeting was not mischievous. Speeches, however, were made, and they had the short-hand notes of Mr. Dowling in evidence that they were treasonable: but could they trust those notes? He had a gentleman in his eye who was most expert in writing short-hand, and yet the Attorney-General could not often recognize his own speech when reported by him. But in such a place as Spa-fields, shuffled about from right to left, and from left to right, could any man take short-hand notes? He went with those notes to the Secretary of State's office. They had been stopt in their cross-examination from enquiring into the circumstances of the publication; but the publication of those notes was before the information given to the Secretary of State. There was the evidence of Shearman, their own witness, who could only hear a few phrases. Another reporter too, Mr. Scott, could not hear one sentence, although close to the waggon. Mr. Steers again proved, that if Mr. Dowling was not paid by the Government, at least either he or his brother expected a reward, or some benefit from the evidence. He would not comment upon speeches or words alleged to have been uttered; they might be improper, but were they high treason? Was it likely—was it conceivable, that six men, however mischievous, could attempt to subvert the Government by such means? Next, the mob proceed along Coppice-row, with three flags; Stafford and Limbrick at once took two of those, a flag and a banner. Huggins represents their numbers at 500. This is the flagrant civil war of the Attorney-General. Two men looked, not round them, but at them, and put them to flight. But in Coppice-row the Rubicon was passed, and the civil war commenced by the encounter with Mr. Stafford. He now would go farther, and view their conduct at Mr. Beckwith's shop. They had the evidence of Platt and Hone; they contradicted one another. Who was most correct? They could not entertain a doubt of the fairness and correctness of Mr. Hone's evidence: but the person concerned in that affair was not here, and the prisoner was not connected with any misconduct at that place. They had distinct evidence that, after the mob reached Beckwith's, there was a pause, and they proceeded to no violence till they saw young Watson prisoner. This seemed to be the cause of breaking the shop. Upon the evidence of Castle alone stood the charge as to this part of the case. It appeared, then, that young Watson shot Platt by accident. At, least, by possibility, it did seem that the shot was accident, and the shop breaking the result of that accident, as the cause of Watson's imprisonment; and where there appeared such a possibility, the jury were bound to give the most favourable interpretation. He would now go farther, and consider the attack upon the Bank. The mob who had this great object in view pass beyond it. Was this likely? There was nothing that such an insurgent army must have stood so much in need of as funds: by getting possession of the Bank this want would be supplied; yet they pass beyond it. Here, again, they had only the evidence of Castle. He told them that the Bank was to be got possession of by means of broken bottles. This was much too ridiculous for remark. They next appeared at the Exchange. Here eight unarmed men attacked them. The Lord Mayor and his friends easily defeated the rebel army. The Lord Mayor was not called to give his evidence. The Officers of the Crown were all most honourable men, and conducted their measures fairly; but they felt it prudent not to call the Lord Mayor. Sir James Shaw stated that they easily took some, and pursued the remnant, and that no alarm was felt by any one. And this is

a conspiracy! Was it possible for the jury to entertain for a moment the possibility that such a mob could be in conspiracy against the State? It was most absurd, most extravagant, most irrational, to assert such a notion. He would follow the remnant to the Minories. With respect to this they had most respectable evidence, Mr. Hall's, who offered, with other six men, to drive them all away. Not having got this, he went to the Tower, and asked—What? 20 men!—20 men were thought able to rout them, increased as they were with stragglers. Mr. Brander considered half a dozen red-coats quite sufficient to disperse them, and 20 to make them all prisoners. This was the end of their march. Here they stayed 4 hours without aim or object. Their only wish was to have the gratification of firing into the air. This was high treason. Even their marching and firing into the air might be gravely represented so, if they had marched to St. James's, or to any such places. But the Tower was attacked! There was a flourish of sabres and an address to the Tower too ridiculous to be mentioned. Two soldiers contradicted each other on this point. Haywood said, he saw a person in a different place put his foot to the railing and offer 100 guineas to the soldiers. But it was not Mr. Watson after all that was here. Castle said there were two, side by side. Another soldier said, only two soldiers were on the ramparts. Castle made at least forty or fifty. Another brilliant witness, brought forward by the Officers of the Crown, to whom he meant to impute no blame, a witness whose testimony was sworn to be incredible, gave evidence in this part of the case and confirmed its incredibility. Was this then proveably convicting a man? He would next advert to the ammunition. Windermude proved that the ammunition was put into the waggon by Castle. He believed that Castle alone knew of this ammunition. They had it from the highest authority that persons employed as spies upon others were the instigators of the worst acts committed (Lords' Report), and this was an instance of it. How came the ammunition to be left in the waggon when the expedition set out from Spa-fields? This was a striking circumstance: they would recollect that Castle was not present there: the rest knowing nothing of this ammunition, did not touch it, and hence it was found in the waggon. But the prisoner was taken at Highgate. Suppose he had escaped. Did flight, or an attempt at flight, amount to high treason? This case afforded no point for observation that did not turn against the prosecution. They were exhausted—he was exhausted: he would not, therefore, offer any farther observations. He would only repeat, that, whatever design, whatever misconduct, whatever riot or tumult, the prisoners contemplated, or might have committed, the jury must not regard that, unless they are satisfied that the intention and attempt was to overthrow the Government. He had spoken all along of levying war. If they did not find that war was levied against the King, there was no high treason to be found. Their intention, in all that took place, was the whole question. Was it their purpose to depose the King? Therefore, in shewing that there was no levying of war, he laid prostrate all the charges against the prisoner. The case was barely this:—Was there a design of subverting the Government? and was the proceeding that took place a following out of that design?—Nothing remains for me to add, but to thank you, Gentlemen, for your attention, and may that Providence who, in extreme and difficult cases, so frequently enlightens the minds of men, shed his influence on yours, and I entertain not a doubt that you will pronounce the deliverance of the prisoner at the bar.

Lord Ellenborough called upon Watson for his defence, when he expressed himself as follows:—

PRISONER'S DEFENCE.

After the address which has been so ably and eloquently delivered to the Jury by the gentlemen who appear in my behalf, it would be presumption in me to say any more, than that I disclaim any intention to overthrow the Government established by King, Lords, and Commons.

Lord Ellenborough took this occasion to say, that as he had formerly said that no report of the proceedings should be published till the trial was finished, he would now repeat that there be no publication till ALL the trials were finished.

The Solicitor-General next rose, and

said, the period had at length arrived when the whole of the case in evidence was before them, and it became his duty to address them—a duty which at any time he felt incompetent to discharge, but which, wearied as he was by a long cross-examination, and where there were so many topics, he knew himself unequal to do justice. He had the consolation of thinking, that in the integrity and understanding of the Jury he could best rely—that they knew their own duties, and that they would most conscientiously discharge them. His learned friends who conducted the defence, had called upon them to dismiss from their minds all prejudices which might have reached them from without.—He begged of them to go further, and dismiss all prejudices that might have been addressed to them from within. But he must say, that from his short experience at the bar, he never heard propositions advanced more boldly, or imputations more unreservedly made against those whose duty it was to conduct that prosecution on the part of the Crown, than were made by the Learned Gentleman who led in the defence. It was true that personal imputations were disclaimed, but those expressions will still remain. It became him, therefore, not personally to deny their application, and unequivocally to assert that nothing has appeared either in the cause or arising out of it that could warrant either the one or the other. You were told, gentlemen, that this indictment was presented in a state of confusion, under the hope that something might be conjured out of it to attach to the prisoners —that you were called for to decide, not on the law, but on political motives — that those who conduct the prosecution, were endeavouring to uphold a new-fangled doctrine by perjury, procured by themselves. No explanation can satisfy, but that this was a prosecution founded on the basest testimony, and to establish, on the decision of a Jury, in the most enlightened Court in the Kingdom, a construction incompatible with the free agency of British subjects. He then asked them on their oaths, as honest men, to dismiss all these insinuations from within, they are unfounded, and without a single expression to warrant them. He knew that appeal would not be made, and that as British Jurors, they would decide on the evidence alone. Before he sat down, he trusted, he would satisfy them that the charge was made out against the prisoners to the fullest extent. That it was founded not alone on Statute Law, but on decisions repeated over and over again of equal authority with Statute Law. Although the indictment comprehended four distinct averments of Treason, they were all supported by the same acts, and if there is four species of treason, the prisoner must abide by the consequences. It was for the advantage of the prisoners, that these averments appeared upon the record, because knowing the facts to be alleged against them, they were enabled to prepare for their defence. And if it should happen, that such charges should be brought home by a long chain of circumstances, it was on similar proofs that Donnell and Patch were convicted of murder. To describe such proceeding as cumulative treason, was to say, that they suffered for cumulative murder. The learned counsel for the prisoner (Mr. Wetherell) had called upon the Jury not to take the law on this occasion from his learned friend the Attorney-General, and he (the Solicitor-General) also called upon the Jury not to take the law from that learned gentleman himself. It would not, indeed, become the Jury to take the law from either side. To hear the arguments of the counsel on both sides—to determine upon their definition of the law, subject to the correction of the Judges, as well as to decide the important question to which the evidence before them referred, was the province and the duty of the Jury.

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Now as the third count of the indictment, namely, that of levying war, a material fallacy appeared to him to pervade the whole of the arguments of the counsel on the other side For according to those gentlemen the charge of levying war was not made out, because the attempt of the prisoners was not successful—because the Bank and the Tower were not actually taken; but, in his view of the law, in which he presumed their lordships would concur, the charge was clearly established, although the object of the prisoners was not accomplished. Success indeed, was, he contended, by no means necessary to establish a charge of this nature. For this crime of levying might be perfectly completed, although the end which that crime had in view totally failed. Such was the law as it was prescribed by the Statutes, and as it was adjudged by the highest authorities in a variety of cases. The effect of the movement, therefore, in which the prisoners were, in his opinion, concerned, was of no consequence to the question of their guilt or innocence. But it was the policy of the learned counsel on the other side to withdraw the attention of the Jury really and truly before them; and for that purpose it was attempted to excite their feelings in favour of the prisoner, in the hope, though such excitement, to warp their judgment. But this attempt would, he had no doubt, completely fail. His learned friend (Mr. Serjeant Copley) had endeavoured to make out, that the intention of the prisoner could not be shewn, because the object attributed to him was not effected; but the endeavour was vain. By the Statute of Edward III. to compass and imagine the death of the king was deemed high treason, and this was the first count in the indictment, upon which the Jury were to decide, from the evidence adduced to support the overt acts recited in the sequel. The other counts mainly rested upon the Statute of the 36th of his present Majesty, which pronounced it treason to endeavour by force to compel the king to change his measures; and it was very justly so ordained, because such a force necessarily implied a disposition to compass and imagine the death of the king, whose personal safety it must endanger. Therefore, before that Statute was enacted, the employment of such force was, in various cases, adjudged treason. The argument of his learned friend (the Attorney-General) was, therefore, upon this point perfectly justifiable. But the statute of the 36th of the king had removed all doubt. His learned friend had laid it down, that although a conspiracy to levy war might not in itself be treason, it might serve as evidence of a disposition to compass and imagine the death of the king. The learned counsel (Mr. Wetherell) had throughout been betrayed into the error of confounding the evidence with the crime. The exhibition of the banners was not, as the learned gentleman asserted, a crime, but then those banners furnished evidence of the disposition of the prisoner. Again, the learned counsel had maintained that the offences charged against the prisoner amounted only to general riot; and by such argument, it is proposed in this trial to beat down the law of treason, the learned counsel contending, that if the conduct of the prisoner were adjudged to be treason, such judgment would be tantamount to a repeal of the Riot-Act. The learned counsel had, indeed, endeavoured to impress the Jury, that although the delinquency of the prisoner might amount to felony it had

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Trials for High Treason!!

FAIRBURN'S EDITION.

No. 20.

The Solicitor-General's Speech continued.

nothing to do with the law of treason. This the learned counsel had asserted over and over again, with a great appearance of confident calculation as to its effect upon the minds of the Jury. But the same assertion and argument had been used in vain in the case of Demaree and Purchase, in the reign of Queen Anne. It was there contended, that although the accused were riotous and disorderly, they were not concerned in the commission of any treason. Yet the accused were convicted of treason; and this decision, while it proved the inefficacy of the learned gentleman's argument on this occasion, shewed also that argument was by no means a new discovery, as that learned gentleman appeared to think. Declaring his unwillingness to tire the Jury with the recital of precedents or the quotations of cases, which might, indeed, have the appearance of parade and affectation, he still felt it necessary, from what had been urged on the other side, to occupy the attention of the Court as to the law which applied to the case under consideration. His learned friend (the Attorney-General) had by no means laboured, as had been stated, to produce any peculiar impression upon the subject of the law, for his learned friend, as well as himself, had thought that the only question in this case was as to the facts. His learned friend had not, therefore, entered into any elaborate definition of law or citation of precedents, because he had deemed it quite enough to make out in evidence the facts stated in the indictment; for this was not supposed by his learned friend to be by any means a new case, or that any reference to precedent was necessary, to satisfy the Jury, that if the overt acts were proved, the prisoner was guilty of high treason. This, indeed, was his own impression, and, he presumed, that such also was the sentiment of the Judges. However, to meet the learned gentlemen on the other side, he would assert, without hazard of contradiction, that, according to law, that any attempt by force to compel the King to change his measures or his ministers, amounted to the crime of high treason. He cared not whether a new government were or were not proposed, or whether the parties engaged in such a forcible attempt had or had not a new code of laws, or a new system of constitution in their pocket, the attempt so to overturn the old government—was under the law high treason. He would, however, ask the learned counsel on the other side, whether he was prepared to maintain, that if the accused had actually taken possession of the Bank and the Tower, after robbing the gunsmiths, caused all the shops to be shut, and created general alarm, he would not be guilty of treason, but merely punishable for a riot. If the learned gentleman were so disposed, was it possible that the Jury could be influenced by such an argument, and that notwithstanding the consequences he had stated to the Jury, accompanied by the effusion of blood, would consent to acquit the prisoner of treason—would pronounce

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him innocent of a design to compass and imagine the death of the king? He assumed, that neither the learned counsel nor the Jury would be so disposed, and he confidently asserted that it was not necessary that the design, not of the mob, but of these conspirators, should be effected in order to complete the crime of high treason. He affirmed also that the design alluded to was harboured by the prisoner, as had been satisfactorily made out in evidence; and, therefore, he maintained as a lawyer, that the prisoner had violated the law, and that the Jury, as honest men, were bound to find them guilty of treason. He assured the Jury that it was his anxious wish to treat this subject calmly and dispassionately, and if he should happen to be betrayed into any warmth or attempt to operate upon their feelings, he hoped they would ascribe it to the accident of the moment. For neither he nor his learned friend (the Attorney-General) had any object or desire upon this occasion, but that the whole question should be examined with coolness and candour, so that the decision should be worthy of the Jury he had the honour to address, satisfactory to the public whose cause he pleaded, and consistent with that justice which it was the common interest to administer and maintain. He begged to guard the mind of the Jury against an erroneous impression which the counsel on the other side had assiduously endeavoured to produce, by dwelling so much upon the folly and impracticability of the project charged upon the prisoner. For, notwithstanding the folly, absurdity, or extravagance of the plan, or the inefficiency of the means, or the failure of the operation, the Jury were bound to convict the prisoner if they were satisfied that the evidence displayed a treasonable design. This was his view of the law, and that view was sustained by numerous precedents. In the reign of Henry VIII, indeed, an assembly of armed persons to pull down all inclosures, was adjudged treason; and in the reign of Elizabeth, a similar assemblage to pull down all bawdy-houses, was also decided by the judges to be treason. A statute of Edward VI. ordained, that if forty armed persons should continue together after proclamation to disperse, the parties so assembled should incur the guilt of felony: but, notwithstanding this statute, the persons assembled in arms to pull down all bawdy-houses, in the reign of Elizabeth, were adjudged guilty of treason. Now in neither of these cases could the parties accused be deemed capable of accomplishing their objects, nor, in fact, had they done so to any great extent; and yet they were adjudged traitors. The statutes of Edward III. and Queen Elizabeth made it high treason to levy war against, or to compass and imagine the death of the king; and the statute of the 36th of his present Majesty, he had already explained. But the case of the apprentices, who, in the reign of Elizabeth, were adjudged guilty of treason, was peculiarly applicable on this occasion. For those apprentices conspiring to liberate their companions from confinement in the Tower, forced an appeal to the Lord Mayor, broke open houses to obtain arms, composed libels, and offered violence to police officers in prosecution of their purpose. The case before the Court was, indeed, the more analogous to that of the apprentices, as the latter hoisted, as well as the former hoisted, banners and flags. The apprentices were not, however, prosecuted for mere riot, but convicted of high treason. Yet in applying for a similar conviction against the prisoner, the Counsel for the Crown were charged by his advocates with bringing forward quite a new-fangled doctrine—with calling upon the Jury truly rather to legislate than to decide according to established law. He would, however, confidently state that the doctrine advanced by his learned friend, and upon which this

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prosecution was founded, was strictly consonant to law; and in order to disperse any notion that might exist to the contrary in the mind of the Jury, he should refer to the authority of Mr. Justice Foster, who states that "every insurrection, which in judgment of law is intended against the person of the king, be it to dethrone or imprison him, or to oblige him to alter his measures of government, or to remove evil counsellors from about him, those risings all amount to levying war within the statute, whether attended with the pomp and circumstances of open war or no. And every conspiracy to levy war for these purposes, though not treason within the clause of levying war, is yet an overt act within the other clause of compassing the King's death, For these purposes cannot be effected by numbers, or open force, without manifest danger to his person." Such were the words to be found in the book of that eminent Judge which the Counsel for the prisoner had so often quoted, and after hearing such an exposition of the law from a Judge whom the Learned Counsel professed so much to respect, he apprehended that no doubt could arise, if the evidence were satisfactory, of the prisoner's design to compel the King to change his measures, that his crime amounted to high treason within the statute. Of the law, indeed, he thought there could be no doubt whatever in any reasoning unbiassed mind, and the fact charged upon the prisoner was, he must say, equally indubitable, from the character and context of the evidence. But yet, the Counsel for the prisoner had endeavoured to persuade the Jury that his Learned Friend had presented a view of the law of treason which, if established, would interfere with the free agency of a British subject, and some fancy was exercised to pervert facts, by casting an air of levity and ridicule over the transactions in which the prisoner was proved to have been concerned. Such experiments would, however, he was satisfied, have no effect upon the mind of the Jury, or serve to withdraw them, for a moment, from a due consideration of the importance of that case, which he was quite convinced the evidence had clearly made out against the prisoner. His Learned Friend had been accused of calling upon the Jury to decide on treason by conjecture, instead of asking, agreeably to the words of the Statute, that the prisoner should, "upon sufficient proof, be attainted of open deed;" but in reply to this accusation, he (the Solicitor-General) would refer to the evidence. Neither his Learned Friend nor himself would ever call for the conviction of any man for treason, or any other crime, upon conjecture; and he would assert, that in this case the prisoner was upon sufficient proof, attainted of open deed to establish the charge of high treason, according to the Statutes, and that exposition of the law which he had quoted from Mr. Justice Foster. Indeed, if the laws of rules and evidence were not to be discarded, he could scarcely imagine a doubt as to the guilt of the prisoner. There was no other difference between the trial of treason and that of any other crime, but that of two witnesses being necessary to prove the former, and the charge before the Court was established by such a description of evidence as he must think would be deemed irresistible upon any trial whatever. After such evidence, indeed, there could be no question as to the purpose for which the prisoner and his co-conspirators had been said to meet. The Counsel for the prisoner had strenuously endeavoured to discredit the testimony of the accomplice, Castle, and the Jury were told that his Learned Friend had ushered in the case, and mainly relied for its establishment, upon the evidence of an infamous person. But did it occur to these learned gentlemen to consider that with all the infamy that attached to Castle, and all the crimes

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of which he had confessed himself guilty, who were his associates?—They might blacken Castle as much as they pleased, but let it be recollected that it was in evidence that at the time Dr. Watson, the prisoner, selected him as his companion, he was fully aware of the infamy of this very Castle. Knowing then the conduct and character of Castle when they first met him, he would ask the Jury, as men of sober understanding, for what purpose old Watson, Thistlewood, Hooper, and Preston, associated with such a man? In fact, the more infamous they made out Castle to be, the more probable the plot and purposes charged upon the prisoners would naturally become. But neither his learned friend nor himself would call upon the Jury to convict the prisoner solely upon the credit of this accomplice. This, indeed, was distinctly stated at the outset by his Learned Friend, that if the testimony of the accomplice were not confirmed, it would be entitled to no credit. His Learned Friend, however, meant a confirmation in part, but not in the whole. For, if the whole of the evidence against the accused in any case could be confirmed, there would be no occasion to take the testimony of an accomplice at all.—It was only on these points of which none but the guilty were cognizant, that the evidence of an accomplice was resorted to, and as to the credibility of such evidence he could cite the highest judicial authorities to shew that where the statement of an accomplice was consistent, and confirmed in many parts, he was to be deemed a credible witness. It had been insinuated on the other side, that Castle was employed by Government, and that Government might have prevented any of the riotous proceedings, of which it now sought to convict the prisoner for high treason. But he was enabled to say, that until the discovery made through the information, Government did not suspect any treasonous view in those proceedings. But, after the receipt of that information, with the inquiry to which it led, and the various circumstances found to confirm the statement of Castle, Government, he was prepared to contend, would have been guilty of a dereliction of public duty if it had not instituted the present prosecution. The Counsel for the prisoner had attributed to his Learned Friend the assertion of this doctrine, that if the overt acts charged in the indictment were established in evidence, the *onus* would be with those Learned Gentlemen to shew that such facts were not treason. His Learned Friend had, however, stated no such thing; but he had very justly maintained, that, upon proving such facts, he would call upon the Counsel for the prisoner to shew that they took place with a different intention from that which he imputed to him. Without giving any weight to the cases of Berkstead and Simpson, the Counsel on the other side made particular reference to, and seemed much to rely upon, the decisions in the case of Lord George Gordon, as well as upon the trials in 1794. With respect to the case of Lord George Gordon, it was known that Lord Mansfield submitted two questions to the consideration of the Jury: First, Whether the riots amounted to the crime of levying war, within the law of treason? and, secondly, Whether the prisoner had excited those riots? The Jury might have concurred in the affirmative upon the first question, and yet

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The Solicitor-General's Speech continued.

negatived the second. But the Counsel on the other side had argued, that because Lord George Gordon was acquitted of the charge of treason preferred against him upon that occasion, that therefore the Jury were bound to acquit the prisoner at the bar. There was, however, a marked difference between the riots of 1780, which Lord G. Gordon was not proved to have excited, (at which the Noble Lord certainly was not present), and the late riots in London, which the prisoner at the bar was satisfactorily proved, with his co-conspirators, to have excited, aided, and abetted, by procuring arms, and by inflammatory speeches, as well as by personal exertions in the midst of the rioters. The strong probability was indeed in Lord G. Gordon's case, that his acquittal was founded upon the belief of the Jury, that the Noble Lord was not guilty of exciting the riots; but no such belief could possibly exist with regard to the case of the prisoner. But in support of his view of the Law, and the principle of the present prosecution, he could refer to the opinion of Lord Holt upon the case of Charnock, King, and Keys, as well as to the decision upon Despard's case. Upon the latter case too he might state, that although the scheme of Despard was wild and visionary, although his means were inadequate, and his object was defeated, that still he was convicted of high treason; and he might thence argue, that the Jury he had the honour to address were bound to convict the prisoner. But he would not so argue, for his wish was, that without being influenced by any former decisions, or by any intrinsic circumstances, the Jury should consider this question calmly upon its own merits, and produce a just verdict upon the law and the fact, as the former should be expounded by the Judges, and as the latter had appeared in evidence. Here the Learned Gent. repeated his argument in support of the admissibility and credibility of an accomplice, urging that there were many crimes, the perpetrators of which it would be impossible to discover if an accomplice was not deemed a good legal witness. This was notoriously the case with respect to the most atrocious murders as well as other crimes. Castle was, therefore, a good witness, if confirmed, and he maintained that this witness was so confirmed, that even excluding his testimony altogether there was ample demonstration before the Jury of the guilt of the prisoner. The operation of the conspiracy from October to the 2d of December had been traced, Castle had been corroborated in various and important particulars, from his first connexion with the conspirators, to the speech of the prisoner from the waggon in Spafields. Yet the Learned Serjeant (Copley), had gravely maintained that all the corroborative testimony referred to unimportant or innocent particulars, and was the effect of Castle's own cunning contrivance. Yet the Learned

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Serjeant, in another part of his speech, had insinuated that the information of Castle had not been communicated to Government so early as was generally imagined. If so, then Castle cannot have been a very cunning person, for he might have been contriving all these strange coincidences for his own ruin, as, had any of his co-conspirators become an informer, Castle himself might have been a victim. But the jury would judge of the character of this man's testimony, from the consistency which characterised his evidence, through a most minute examination of eight hours duration. That Castle, however, should have himself contrived the coincidences which corroborated his testimony upon this occasion, was quite as improbable as that Government would have countenanced the progress of the conspiracy from any political motives. The Counsel for the prisoner had complained of the allusion of his Learned friend (the Attorney-General) to the Spencean system, which the Learned Counsel charged, to imply a disposition to inflame the passions of the Jury. But what could be more natural than such an allusion, for it was at a Spencean Society that Castle first met the Watsons, Preston, and Hooper. There it was that the prisoner first adopted Castle as a friend, telling Hooper that such a man was peculiarly fit to co-operate in their views, and so he was, for infamous as he (the Solicitor-General) admitted Castle to be, a person guilty of such crimes and reckless of all character, was the colleague best calculated for the purpose of such a nefarious conspiracy. With this view then the prisoner and his conspirators selected Castle as their associate. As to the means of those conspirators to attain their end, and the argument drawn from the inefficiency of those means, that the traitorous project imputed to the conspiracy was utterly improbable, he had too much respect for the understanding of the Jury to suppose that such a fallacy could operate upon their judgment. For, however inefficient the means of those persons, it was notoriously the characteristic of enthusiasts (which those persons evidently were), to under-rate the difficulties they had to encounter, as well as to enervate any power they happened to possess. Therefore it was not to be concluded that those persons had not undertaken the treasonous plot charged upon them, because they had not the means of carrying it into effect. But it was manifest from the evidence before the Court, that the prisoners relied mainly upon the spirit of the people, on the discontent produced by the general distress. But happily, notwithstanding the pressure of that distress, upon which it was melancholy to reflect, the good feeling and sense of the people disappointed the calculation of those conspirators. But this disappointment did not diminish their guilt. The weakness of their means could not extenuate the turpitude of their design. But the same argument as to the incompetency of the means to accomplish the object of the accused, was adduced in Despard's case, and adduced in vain.—For the means of capacity of the accused, in such criminal designs, had nothing to do with the merits of the case, which were to be decided upon from a review of the evidence, which displayed the disposition of the prisoner. From that evidence he called upon the Jury to draw their own inference, and in forming their judgment, he wished them to dismiss from their minds any impression produced by the mere opinion of the advocates on either side. He had himself addressed them in the conviction of an advocate, and he should not on such occasions mix himself up with the case, for he did not think it proper to imitate the example of the Counsel on the other side. But as a lawyer he should not hesitate to state that he decidedly thought the prisoner guilty

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upon a fair review of the evidence. Here the Learned Gentleman entered into a recital of the evidence, animadverting, as he proceeded, upon those parts which appeared to him to make against the prisoner, and denying the probability of any contrivance on the part of Castle, especially with regard to the taking of the house in Greystoke-place; the attempt to take a house in Seymour-place; the finding of papers, plans, and pikes, at young Watson's lodgings; and the finding of papers in the pocket of Watson, upon his original arrest, when Castle was not present. After marking the points on which the evidence of Castle had been confirmed, the Learned Gentleman asked, why the Counsel on the other side had not adduced Harrison to contradict Castle, if he could? The Learned Gentlemen knew where to find Harrison if they thought proper to produce him; and his non-production spoke strongly in favour of the testimony of the accomplice. If Castle had deposed to a falsehood, with respect to Harrison, the latter could, of course, have contradicted him; and it would be for the Jury to judge of the motives which suggested to the other side the expediency of resorting to that witness. In this transaction respecting the pikes, a very material consideration was, where were the pikes finally found? The Counsel for the prisoner had attempted to blacken Castle, and black enough he certainly was by his own crimes; but they had attempted to insinuate that he had a secret key of Watson's lodgings. He would ask, was there the least evidence of this? It was also contended that the pikes were not used at all. To this there was a satisfactory answer; for, in the course of the week after they had been prepared, Harrison, one of the conspirators, was afraid any longer to be concerned in the plots. In consequence of the alarm at his secession, the meetings at Greystoke-place were suspended; Castle then was sent to Harrison, to see whether it was likely he would discover the plot; Castle reported that it was not probable Harrison would betray them; but it was thought necessary, out of caution, to abandon the plan for the present. It was in that state of momentary alarm that the pikes were got rid of, and indeed there was no farther occasion for the pikes. It was then that the plan was conceived of trying the temper of the people, by a meeting held for the avowed purpose of petitioning. They dared not meet without some legal ostensible object, and in the Chair was put a person who had nothing to do with their purposes, one Dyall. But a most important feature of the evidence, as far as the credibility of Castle was concerned, was, the taking of the house in Seymour-place, for the purpose of getting a place in which to deposit the inflammable materials. Here again the prophet Castle must have been supposed to have anticipated that Cosser would not let the house, and that he would require a reference, which reference would be made to Thistlewood. But what did Thistlewood say on a reference by Cosser? Why, that young Watson had a father, a large farmer in Lincolnshire. Serjeant Copley had attempted to turn off this, by saying, that his uncle was a large farmer, renting land there, which in reality he was. There was no evidence called to this. But, why was young Watson's father passed over by Thistlewood, who lived in town? Besides, young Watson had a shop in Hyde-street, Bloomsbury. Would not the Jury, therefore, believe the real object was to get a place to lay combustibles, and in which they might get men to prepare the handles for the pikes. The frustration of this plan was another reason why the pikes were not used. When they were told there was no confirmation of Castle's testimony; he would ask, did not these facts confirm it? It was the rule of the law, not that the accomplice should be

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confirmed in every particular, for at that rate there would be no use in admitting him, but that there should be such a coincidence between the testimony of an accomplice and of others, as would induce the persuasion of the general correctness of the former. Even without Castle there was evidence of several of the treasonable facts. But he was confirmed. — In all the places where Castle went, there was always some one of the other persons mentioned in the indictment to be found with him — either Hooper, Thistlewood, Preston, Watson, sen. or jun. or Harrison. Yet he was the contriver of all! — He alone led these six innocent men astray. Though his evidence was confirmed in every part! — They were all, it appeared, constantly going about, propagating their sedition from house to house, among the navigators at Paddington, the coalheavers at the Adelphi, the Spitalfields labourers. They then tried to seduce the soldiers from their allegiance. There was no intermission in their nefarious purposes; they were morning, noon, and night at work. Watson was in one place, Thistlewood in another, Hooper in a third. A meeting was then called by public advertisement for the 15th of Nov. but it was thought necessary to have recourse to others, besides themselves, to give an *eclat* to the meeting. For this purpose they applied to Mr. Hunt. He did not wish to be mistaken as to Mr. Hunt. He believed Mr. Hunt had no knowledge of their real designs, but had been applied to in order that his presence might veil the purpose of the meeting. But who was it that called for this meeting? Who paid for the printing and the advertisements? Was this Mr. Castle? a man without money and without credit? No: it was Thistlewood and his companions. A numerous assembly having been got together, they were determined to try the temper of the people step by step. A tri-colour flag was prepared. The tri-colour had been objected to by the Counsel for the prisoner; it was said one of the colours was not the same as the revolutionary flag of France. If it had been exactly the same, their object would have been defeated; their purpose to have something as similar as they could to the ensign of revolution. At this meeting Mr. Hunt moved an adjournment till after the meeting of Parliament. — Young Watson moved, as an amendment, that the meeting should adjourn to that day fortnight. Mr. Hunt said this was at the suggestion of some one behind, and this agreed with Castle's account, who said that Thistlewood suggested it. Dr. Watson is said to have objected to his son's amendment. This was easily done to colour the transaction. The amendment was, however, proposed and carried. The meeting was appointed to take place on the 2d of December, as the persons engaged had no doubt, from the number and temper of the people, that if they gave a little more indication of their designs previously to that day, they should be able to engage great numbers to follow them. Monday too was fixed on, which was a day on which a greater number of artizans would be found ready to follow them. The elder Watson, who was the inditer on all occasions, was appointed to draw up a placard; it began "England expects every man to do his duty." Mr. Serjeant Copley, by an eloquent eulogium on this motto, and by calling up the recollection of the glorious victory with which it was connected, had attempted to awaken their feelings, and draw their attention from the rest of the advertisement. The meeting was adjourned to 2d December, at one o'clock; Mr. Hunt understood that it would take place at that time. In this placard the meeting was advertised for twelve o'clock. [The learned counsel then read the hand-bill, which we have given in a former part of the proceedings, beginning "*the present*

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state of Great Britain," the notice at the bottom respecting those who plundered the shops at the termination of the last meeting was in the smallest character.] After having distributed these placards more was to be done. They went from time to time to the soldiers at the Tower, to endeavour to seduce them from their duty; they asked them whether they liked a small loaf or a large one, and showed them the hand-bill. They went also to Maudsley's manufactory in Westminster-road to incite the men there to be ready on the day appointed. They had designed to break into the gunsmiths' shops to provide their followers with arms; but to arm themselves they could not wait. They purchased arms to shoot those who should resist them in their attempts to break into the shops, or who, when they were there, should attempt to interrupt their proceedings. This part of the story was so confirmed by several witnesses, that it was impossible to doubt it. Did Castle purchase the arms that were found on the persons of all the prisoners, or that with which Platt was shot? Or what motive could there possibly be that men should go armed to such a meeting, unless it were that which the indictment charged it to be? He had omitted to mention, that after the meeting at Spafields on the 17th November, all the conspirators went to Bouverie-street, where they met at dinner, with Mr. Bryant and Mr. Hunt. These gentlemen deposed that the toast of "the King" was proposed first after dinner, so loyal were they. In this these two gentlemen contradicted the evidence of Castle; it would have been better for their cause if they had contradicted him in a more material point. Castle then proposed a toast which they had heard, and it was objected to. He was told that he must not propose any more such toasts! Why, after such a toast, not one of them should have stayed in the room a moment longer, with the person who uttered it. The conversation then turned to the escape of French prisoners, in which Castle admitted that he had taken a part. Mr. Hunt said they must not talk of such things; but Mr. Watson said Castle was an excellent fellow and his friend, but a little violent. Castle is then said to have pretended to fall asleep, and Mr. Hunt said that he gave him a violent blow, such as would have knocked a man down, and that he took no notice of it. Mr. Bryant said he did not remember any such blow; that Mr. Hunt might have laid his hand on him to awaken him. There were quite as material differences between Mr. Bryant and Mr. Hunt, as between these gentlemen and Castle. The bill was then called for, and Castle's reckoning was paid by Hunt or Bryant. It appeared that Watson had a full knowledge of Castle's crimes, yet they continued in communication together up to the 2d of December. They all assembled together on the Sunday before the 2d of December, and dined together on that day. He now came to the important 2d of December. The meeting was to take place at one o'clock. Mr. Hunt was to be there at one o'clock, at the Merlin's Cave. What did they do on this occasion? They hired a waggon; and here he begged leave to observe that with respect to the transactions connected with this waggon, Castle was confirmed at every step by the other witnesses, but he would not tire them by entering into this subject. They were now got to Spafields. The meeting was to be at one o'clock. But then the prisoners must be there before, that they might not be interrupted; because, if the police officers or troops were there, they would watch their proceedings at one o'clock. Much had been said about Castle not being there; but that was not the place assigned to him; his place was at London Bridge among the smiths;

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—At Spafields were Watson, senior, Preston, young Watson, and Thistlewood. Old Watson first addressed the multitude. And here he had to complain of the insinuations which had been thrown out against some of the witnesses. Mr. Dowling was here called, against whom not the slightest insinuation had been successfully cast. He attended there to give an account for a newspaper: but he had been attacked because he communicated his report to government; because, as he was bound to do, had communicated to government the treasonable discourse which he heard. Then he was attacked because he had received some compensation for his labour, or something had been given to his brother. But what, he would ask, did that detract from the value of his testimony?—these insinuations ought not to be so slightly made. But he would put it to the Jury, from the manner in which he gave his evidence, if there was the slightest reason for believing that it was not in every respect the truth—and it was confirmed by other evidence. He would not tire them by reading the whole of the speech of the elder Watson. It began, "Friends and countrymen—we are convened here this day in consequence of the resolution passed at our last meeting, to hear the answer to the petition which we agreed to present to the Prince Regent." They would recollect, that there was found in the house where young Watson resided, under an inscription of a flag, or which purported to be intended as an inscription for a flag, an intended speech which began, "Friends and fellow-countrymen, we are met," &c. He went on, "Sir Francis Burdett, on account of his health, declined presenting our petition to Mr. George Guelphs"—and yet it had been said they meant nothing disrespectful to crowned heads. He would not repeat to them the whole of Watson, senior's, speech; but he would say this, that it was most inflammatory, and calculated to excite the passions of the people to the point which they wished. The son's speech was still more violent.—It was a string of interrogatories to the people, and so framed as to receive an answer in the negative or affirmative exactly when he wished.—"If they will not give us what we want, then shall we not take it?—(Yes, yes!)—Are you wishing to take it?—(Yes, yes!)—Will you go and take?—(Yes!)—If I jump down among you, will you follow me?—(Yes, yes, from a thousand voices)." They would recollect that the two Shearmans alluded to this; and in the part of the speech which they heard, they fully confirmed Mr. Dowling. But what was the inscription on the banner which they had beside the flag?—"The brave soldiers are our brothers, treat them kindly." Here he would appeal to his learned friend, and ask him what this meant? What was it but an attempt to seduce the soldiers from their duty? If this was not not part of the design which they had in view he would ask his learned friend to assign a reason why they should make use of this inscription? If his learned friend could have suggested any plausible reason, he would have no doubt done so, and as he had failed to assign any reason, then he said he was entitled to conclude that the seduction of the army was part of their plan. Young Watson was at the head of a party at Beckwith's. He would not go over the melancholy transactions at Beckwith's. He would only say, that he was surprised at the excuse which had here been attempted for young Watson. What did Mr. Platt say to him, which could in the least justify the wicked attempt against his life? When he first came in he called out, "arms, arms, I want arms." Did Castle also contrive this? If they were satisfied, as indeed they must be, that not only the transactions at Spa-fields, but this also were

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part of one common design; then what took place at Beckwith's was as much the deeds of old Watson, as if he had been there in person; they were as much the deeds of the elder Watson as of young Watson; and, if so, then he stood convicted of one of the overt acts of the indictment. They went to Beckwith's, and after plundering the shop of arms, and after young Watson had shot Mr. Platt, he said, I am a misled young man—I have been at Spa-fields. Yes, he had been at Spa-fields, and he came there for that nefarious purpose; and here he would ask, if he had sincerely repented of what he had done, would he, after committing the horrid act, have immediately taken a brace of pistols, and afterwards have loaded them in Mr. Beckwith's shop?—This man, of whose sincere repentance they had been told by the Learned Serjeant Copley, after having shot Mr. Platt, attempted to strike him with the butt end of his pistol, and after loading his pistols, he went with the mob to the city. His friend, who attempted to shew that he felt some contrition for the horrid deed, had kept altogether out of view the subsequent striking and loading, and going with the mob to the Minories. Was it not singular that on that day no other shops were attacked but the gunsmiths? Only Beckwith's shop and those at the Minories. People had been previously sent round the town, and had marked out where arms were to be procured. When going down Coppice-row, the cry of, "To the Tower," was heard from amidst the mob; and, whether this cry proceeded from the mob, or from young Watson, he would leave them to judge. The people were to go to Spa-fields, and yet, at Coppice-row, to the Tower was the cry, and to the Tower they proceeded. No little merriment had been displayed on the subject of the treatment they received from Sir James Shaw. But they would recollect Mr. White was also called. It was asked why the Lord Mayor was not called? But they would recollect that the election of the Lord Mayor would have made it extremely inconvenient for him to attend when his evidence would have been required; and having proved the fact by two witnesses, it had been thought unnecessary to adduce more. But Mr. White had told them of the alarm which took place at the Exchange, and that the Lord Mayor immediately sent for troops to the Exchange. But this was a matter which ought to be treated with humour; and although all the shops were shut, and although the alarm was so great that troops were sent for, yet it was merely a common riot, and could not be treason, though they might impute treasonable motives to the riot which did take place. Whether it could be put down or not was not the question; the question was not whether their intention was effected, or whether their means were adequate; if they took steps to effect it, the treason was as complete against them as if they had taken the Bank and the Tower. But he would put it, if they had not only summoned, but taken the Tower, whether the treason would have been complete? If this was conceded to be treason, then he would maintain that it was as much treason, and the treasonable design was as complete in moving from Spafields, attacking the the gunsmiths' shops, and advancing to the Tower, as if they had taken the Tower and all London into the bargain. If this argument, that the attempt was frustrated, were to be allowed any weight, then no treason could be punished but what was successful. But who could punish successful treason? If the treason had been successful, they (the Gentlemen of the Jury) would not be sitting in that box. The treason as an act of the mind, with respect to compassing, was as complete as if they had taken the Tower and the Bank. Let them now turn to what they did in the Minories after breaking open the gun-

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smiths' shops—they had heard that Thistlewood was there. They did not know from any of the witnesses that Watson was there; but he thought he could shew them, out of the mouth of Watson himself, not out of the mouths of witnesses, but Watson himself, that he was there. But Thistlewood at all events was there; and, however visionary and wild the design, that could not be admitted as a criterion of its not being entertained. It was not the feasibility of the design, if they harboured it, if they took one step to complete it, that was sufficient; and they were on their oaths bound to find a verdict accordingly. At the Tower, Thistlewood, it was proved, did speak to the soldiers. But then there was a variance between the soldiers—but a slight variance in particular circumstances confirmed the general fact.—No two men ever agreed in their account of all the particular circumstances of a fact, of which themselves were eye-witnesses.—One of the soldiers said, the promise was to be made Captain, and to receive double pay, and the other said to be made Colonel. But both might be true. Watson and Thistlewood might have been both there—Castle said both were there. The soldiers said one man only spoke, but they did not say both might not be there, though not at one time. The soldiers thought the matter of such importance, that they communicated it to a non-commissioned officer, who again communicated it to a subaltern officer. On cross-examination they said they thought it so important that they made the communication. They had this from other witnesses. A good deal had been said about the credibility of Haywood; but when Haywood, on being asked whether he had made any communication at the time, stated that he had to two gentlemen, a Mr. Bent and a Mr. Ensor, his Learned Friend had not thought proper to bring forward either of these gentlemen, though he knew where they lived, and had the means of calling them. The prisoners could call them, but not the Crown; they were not in the list of witnesses for the Crown.—As they had not, therefore, produced Ensor or Bent, the fact stood confirmed. All the particulars of the scheme alleged by Castle to have been entertained, had been separately proved,—the breaking into the gunsmiths' shops, and the proceeding to the Tower; and yet it was argued that this was not treason, but merely a riot. He challenged his Learned Friends, if they would persist in maintaining that the prisoners were not guilty of what was imputed to them, to assign some plausible reason for their going to Spafields armed, and breaking into the gunsmiths' shops, and proceeding to the Tower—to shew why these men alone, out of the 50,000 persons said to have been assembled at Spafields, for such was the number stated by some, though it might not be so large, why these men, and these only, went there armed. But here they had been met by another witness to disprove the testimony of Castle, namely, Mr. Hunt. Castle met Mr. Hunt in Cheapside, and said to him you are too late, it is half-past one, and they are now at the Tower. Mr. Hunt said Castle called to him, "we are in possession of the Tower an hour ago." When Mr. Hunt had his servant riding with him, he wondered he was not called. Mr. Hunt, in the hurry of the moment, least he should be too late for the meeting, might not recollect the exact expression.

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Solicitor-General's Speech concluded. Lord Ellenborough's Charge to the Jury.

But he was surprised that Mr. Hunt, after this, continued his journey to Spafields; but with Mr. Hunt he had here nothing to do; his providence, caution, and discretion, had prevented him from being entangled in the scheme. Still he wondered that Mr. Hunt, on hearing this from Castle, and seeing the shops shut, and the consternation which prevailed, should still have proceeded to meet his audience at the Merlin's Cave; but he repeated, he had nothing to do with Mr. Hunt, and he would not have made this observation, had it not arisen out of the transaction. The woman who kept the public-house at East Smithfield, and a sailor, had been called. The woman said, immediately after the rioting, Watson came to her house; he refused to go into the parlour; he declined that; the company, he said, was too high; but he went into the tap-room—a place where he could have full liberty of speech. When there, he said, "My brave fellows, if you had followed me, you would have had the Tower." This was the Mr. Watson who had nothing to do with the transactions at the Tower—and this was the fanciful scheme which was supposed to be all the creation of Castle. Was it not clear then, from this, that he had been at the Tower? Was it not clear, that he accompanied there young Watson and Thistlewood? They had it from his own mouth—Thus ended the transactions at Spafields. What became of these innocent persons then? Watson decamped—so did his son—and so did Thistlewood. Thistlewood left his lodgings at Southampton-buildings, without notice. Watson and his son left their residence in like manner, without notice. Watson was armed with the pistols which had been purchased the Saturday before. Papers had been found in his pocket, relating to what?—To what they heard from Castle, designated a Committee of Public Safety; and the names were nearly the same as those named by Castle. There was also found a paper relating to the barricading and burning of the barracks, said to be so fanciful a scheme, and the assembling of the smiths at London-bridge, whom Castle was to have accompanied from the manufactory to that place. London-bridge was the very place named by Castle, and the cant term of Old Man used, was said by Castle to apply to the Tower. Here was found in Watson's pocket, papers confirmatory of all that Castle had said respecting the plans which were to be pursued. Before he sat down he would only further tell them, that, independent of the evidence of Castle, they had the strongest proof of the guilt of Watson. The prisoners had gone armed to Spafields, they had broken open the gunsmiths' shops. It was proved that they had been tampering with the soldiers, and that they then called the meeting when they thought the people were ripe for their projects, and they proceeded to carry into execution their nefarious purposes, which were not

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those for which the meeting was called. He would not fatigue them by going into the case more minutely;—but he wished to remind them, that if it was of importance as it affected the prisoner, it was of more importance as it respected the British public. If they could reconcile the different facts which they had heard in evidence with the prisoner's innocence of the crime charged to him, then, as honest men, they were bound to acquit him. But, as honest and firm men, for, as Englishmen, he knew that they were as firm as they were honest and conscientious, he had the fullest reliance on the impartiality of their verdict.—They would come to the decision of this case unmixed with the feelings of either within doors or without. They would divest their minds of every thing but the evidence which they had heard; giving all weight to the arguments of his Learned Friends in behalf of the prisoner, but, at the same time, the weight to those observations which he had adduced to them, however feebly, to which they were entitled; and when they came to take a review of the whole, he hoped they would not dismiss his observations from their minds any more than those of his learned friends. But he would appeal to them as men and as jurymen, having a due regard to facts, and feeling every inclination not to draw any strained or forced inferences either in inculpation or exculpation; if they found the wicked and traitorous design of insurrection fully proved; if they found that however insufficient the means,—however small the extent to which it was carried, before it was stopped,—whether it was stopped by the police or by individuals; if notwithstanding all this they were satisfied, as conscientious men, that a traitorous design was harboured, the object of which was that which he had stated to them, then he called on them as men having a proper respect for the rights of the public and their own peace, as men anxious to preserve the due administration of the laws,—and thank God whatever other imputations were thrown out, none were yet thrown out against the purity of the administration of justice,—to do that which in duty they were bound to do. And though the prisoner might not be found acting in all the transactions which had been stated to them, yet, if they found he concurred in the common purpose entertained by all of them, they were bound on oath to do that justice which the public expected at their hands,—the convicting the prisoner of the crime of which he was charged. (The Solicitor-General sat down after a speech of upwards of three hours.)

SEVENTH DAY,

MONDAY, JUNE 16.

The Court assembled about half past ten o'clock. The prisoner Watson was put to the bar alone; and, after the names of the Jury were called over, Lord Ellenborough proceeded to sum up the evidence as follows:—

CHARGE TO THE JURY.

Gentlemen of the Jury: The evidence on both sides being now finished, and the Counsel on the part of the prosecution and the prisoner having likewise closed what they had to address to you upon that evidence and the law of the case, it remains for us to discharge our yet laborious duty; and it will be for me to present to you, as well as I am able, the evidence of this long case, with such observations as I shall have occasion to make. It remains for you to weigh dispassionately and cautiously the evidence and the observations, and then to give that verdict which justice demands.—Gentlemen, this you have been told is an indictment for high-treason. The indictment contains

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four charges, two founded on the old statute of the 25th of Edward the Third. This statute was made to collect, embody, and declare, all the treasons that should be treason by the law of the land, and this statute has remained in full force to this hour. There have been statutes declaring other treasons, but these have been repealed. There has been another statute, not so much enacting a new treason, as declaring those things to be treason, which, under the statute of Edward the Third, were held to be principal overt acts. The two principal acts are compassing and imagining the death of the King and levying war. The latter of these has been much the subject of comment in the course of this long trial. Compassing the death of the King will not be a head to which your attention will be directed. There does not appear to have been any compassing or imagining the death of the King; but any thing aiming at the destruction of regal authority, by which his person may be in danger, such as deposing him from his royal state, or imprisoning his royal person, these the law has deemed so immediately aimed at the safety of the King, as to consider them pregnant and conclusive evidence of a purpose to destroy the Monarch, and that because it has always been considered that the graves of monarchs are near their prisons. Upon this subject I will state what has been said by a learned writer—Chief-Justice Eyre observes, and I cannot refer you to a higher authority, that it is so undeniable a presumption of fact, arising from the proof of the intention to depose the King, that the life of the Sovereign is aimed at, that it has been adopted and made a presumption of law. But, as to the particular head of treason, compassing the King's death, I do not think it necessary to dilate more than I have done upon it. It was very proper to be in this indictment. The second count is purposing and imagining to depose the King; and every act which is done, aiming at the destruction of the regal authority, is, in law, compassing and imagining to depose the King; and, therefore, what is imputed to the prisoner, if in your judgment it is properly imputed, is to destroy the regal authority in this country. The third subject of discussion is that of levying war; and upon this subject I would rather speak the language of grave text-writers, such as Mr. Justice Foster and Lord Hale, because their language has had the sanction of the learned, and has been acted upon and virtually received as the fixed law of the land. Mr. Justice Foster says—Insurrections, in order to put down all enclosures, to alter established law or change religion, to enhance the price of all labour, or to open all prisons, —all risings in order to effect these innovations of a public and general concern by an armed force, are in construction of law high-treason, within the clause of levying war. In a former part of his work he says, that numbers supply the want of military weapons. It is not necessary there should be arms, but the multitude supplies the defect of arms. He goes on to say, "for, though they are not levelled at the person of the King, they are against his Royal Majesty: and, besides, they have a direct tendency to dissolve all the bonds of society, and to destroy all property and all government, too, by numbers and an armed force. Insurrections, likewise, for redressing national grievances, or for the reformation of real or imaginary evils of a public nature, and in which the insurgents have no special interest,—risings to effect these ends, by force and numbers, are, by construction of law, within the clause of levying war. The meaning of no special interest,

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is to refer to the statute of the 25th of Edward the Third, in which there is a reservation that things done in a private quarrel shall be taken to be treason; that is not levying war against the king. The words of the statute are, where a man doth compass or imagine the death of our Lord the King, or of our Lady his Queen, or their eldest son and heir; and therefore be provably attainted of open deed by people of their own condition, he shall be adjudged guilty of treason; but the legislature says, "If any man of the realm ride armed covertly or secretly, with men of arms, against any other, to slay him or rob him, or retain him till he hath made fine or ransom for to have his deliverance, it is not the mind of the king or his council that in such case it shall be judged treason."—Therefore, tumults that have a private object, and in which the parties have a private and pecuniary interest, are distinguished from attacks on the regal authority. If, therefore, it shall appear that this is an ebullition of violence, or any thing but an attack on the royal authority, it is not treason; and nobody will seek to confound the limits of treason, or desire you to find that persons so acting are acting with a design of overturning the government of the country. I agree with what has been stated by one of the learned counsel, that the question is, whether it is a conspiracy to overturn the government or not; that is the question which, having heard the evidence, you will weigh in your minds. In addition to what I have stated from Mr. Justice Foster, Lord Chief-Justice Hale saith, "If divers persons levy a multitude of men, to pull down a particular enclosure, this is not a levying war within the statute, but a great riot; but, if they levy war to pull down all enclosures, or to expulse strangers, or to remove counsellors, or against any statute, as, namely, the statute of labourers, or for enhancing salaries and wages, this is a levying war against the king, because it is generally against the king's laws, and the offenders take upon them the reformation which subjects, by gathering power, ought not to do. Therefore, the question will be, whether this is an attempt against the existing form of government, by force of arms, which Lord Hale says ought not to be done. Having observed upon the third charge, which is, that of levying war; then there is a charge for levying war against the king, to compel him to change his measures. It does not appear that any particular measures were sought to be changed, but any acting by force to compel the king to change his measures is levying war to all intents and purposes. Therefore the three charges I have adverted to:—there are in all four of them. The fourth is founded on the statute, 26th of George the third; that statute does not make a new law, but only declares what shall be evidence of the crime of treason. There being then a competent charge, the question will be, is there evidence sufficient to sustain the charge; does it amount to a levying of war, or is it (and I impute no blame to the counsel in insisting on the part of their clients that it is) to be attributed to the ebullitions of violence, irregularity, and disorder, as distinguished from a plan to destroy and overturn the government. When you attend to the evidence you will say whether it is the one or the other. I will not anticipate what the evidence will require from me, but there is one observation I cannot help making. It has been stated, as matter of reproof against the counsel for the prosecution, that they did not call some other witnesses. It is asked why did they not call Harrison and Keanes; and it is said that if they

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had ventured to call them, the case would have been stripped of all doubt. The counsel for the crown would not call them; but then it is to be recollected that the counsel for the prisoner might have called them. If the counsel for the crown had called Harrison, they would have called a man to prove himself guilty of high-treason, and he might have demurred to any question put to him: the same thing may be said with respect to Keanes. It is true that there is no bill found against him, but a bill may be found against him; Keanes might demur, and any counsel would advise him to demur to a question, his answering which would put his life in peril. But the counsel for the defendant had a free course to pursue; they might have called them to prove the innocence of their clients: if they were innocent, what should restrain them from stating every thing that could go to a full explanation. According to the evidence, you recollect that Harrison was one of the oldest members of this association; he could, therefore, have spoken to every thing that bore on the prisoner at the bar. Keanes came in later, but he could have spoken to the latter period; he could have denied the story related by Castle, or he could have spoken to his agreeing to the execution of certain purposes only: what could have been more easy than to have called those persons on the behalf of the prisoner, to have given him an innocent aspect instead of a criminal one. There are certain advantages which the counsel for the prisoner have in this case over those for the crown; but, I think there is something of indiscretion in blaming others for not doing that which by law they could not do, and which they would not do themselves, although by law they might have done it. I will not occupy your time with many further observations, except on the subject of accomplices. The subject of accomplices has often been before the court. Secret transactions can only come to light through the medium of accomplices, because no man communicates actions of a secret and unlawful nature to any but accomplices; wherefore, if you wish to develope to any magnitude transactions of this description, you must seek to do it through a channel that is not always pure. The evidence of accomplices is to be acted upon in the instance before you, as it is acted upon every day, and in every tribunal. The principal question is, that if an accomplice is so far confirmed, that you think he is entitled to credit, you give him that credit, and notwithstanding he is an accomplice, he is entitled to be believed. The point was discussed in the time of Lord Holt, in the reign of William the Third. Lord Holt says, speaking of an accomplice, "he is a good witness in a legal sense, but his credit must be left to the jury." Now, in this case, you certainly have an accomplice, one upon whom many observations have been made, and who perhaps may deserve all you have heard said of him; but I think the coarseness of the obloquy and the language employed against him might have been spared, for the sake of the decorum due to the place: but it must be confessed he deserves to be called what he has been described to be, an utterer of false or forged notes. It appears he has been engaged in a most disgraceful transaction with reference to French prisoners, holding out the hope of assisting them to escape. It appears he has on several occasions defrauded them. He stands before you criminated by a participation in crimes of the most enormous nature; as against him we must take it that he has been concerned in a plan for the demolition and destruction of the soldiers and their barracks, and that he has been

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a principal actor and contriver of all the mischief he has imputed to the prisoner. But in all the process of his story he is confirmed by witnesses who cannot be suspected of warping their testimony. You have the evidence of Mr. Cosser, to whom the application was made for hiring the house. It is not pretended that there was the least intention that any body was to carry on trade in it. There was nothing to set any trade in motion. There was neither capital or any thing else that must have been necessary for such a purpose. You have Thistlewood, one of the conspirators, telling a notorious falsehood to deceive Mr. Cosser, and make him let the shop to the son of Watson, representing him as the son of a farmer. No observation is attempted to be launched against this witness and many of the other witnesses. Castle is confirmed by him; he is confirmed also by other circumstances; and there is an utter impossibility of accounting for a variety of things which are clearly proved without giving credit to him. More than all the rest, there is the paper found upon the prisoner at the bar when he was discovered at Highgate. You find him collecting various military preparations; you have him giving the nick-name of the Old Man and the Old Woman, and you have the meaning of these terms designated by afterwards finding the Bank and the Tower specifically named. This proof was found upon his person at the moment of his flight. What explanation can be given of it. That circumstance I shall, however, press upon you presently; I shall not proceed further now than by observing that this person, disgraced as he is by his communication with this mischief, and the account given of himself, yet is so far confirmed by the other evidence, as applying to him and the prisoner, that it will be a case that will deserve your most serious attention. I will now proceed to state the evidence: the portion of time I shall necessarily occupy will demand your patience, but the public exigency requires it. The first witness is Thomas Storer; he is a printer. I should have first mentioned what are the overt acts stated in the indictment. They are fourteen in number: first, concerting and advising plans to subvert the constitution; conspiring to take the Bank and Tower; conspiring to seduce the soldiers; ordering pike-heads to be made; procuring arms; conspiring to burn the barracks and the soldiers; hiring a house to place combustibles in; meeting in Spafields; procuring arms from the gunsmiths' shops; parading the streets and attacking the shops. These are some of the overt acts. The first witness is Thomas Storer. Here his Lordship recapitulated the evidence of this witness without any particular remark. He then recapitulated the evidence of Seale, the printer of the bills, by order of Preston. He observed that what was done by one was done by all. If a foundation was first laid, whatever was done by one, was, according to the established doctrines of the law, virtually done by all. With regard to the document printed by this witness, he said a most important document it was, for he could hardly conceive any thing more irritating to persons in a state of distress. The words were—"England expects every man to do his duty;" memorable words addressed by that noble and gallant soldier and sailor, Lord Nelson, when he was doing his duty. It was evidently a call upon the people to employ physical exertion. His Lordship went through the evidence of the next witness, when he came to the evidence of Vincent George Dowling, which he also recapitulated verbatim. This finished the evidence of the first day. His lordship then proceeded to re-

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capitulate the evidence on the second day, beginning with that of Charles Shearman, upon whose evidence he made only this remark: that embodied as the mob were, when young Watson harangued them and jumped from the waggon, it was certainly an attack on the authority of the government of the country, and directly aiming at its overthrow. They had directly marched towards the place where the violence was premeditated, namely the gunsmiths' shops. He then stated the evidence of Mr. Stafford, the clerk of the Bow-street office. Upon his evidence he remarked, it evidently appeared, that the conspirators, by their address to the soldiers, evinced an expectation that there might be a conflict between them and the soldiers, for which reason they had endeavoured by their language to soothe every unkind feeling towards them, and to induce the soldiers not to oppose resistance —in short to prevent an armed attack which might frustrate their designs. His Lordship then went through the evidence of a series of witnesses, reading over their testimony without any particular observation. With regard to the papers and plans found upon the prisoner,—as detailed by one of the witnesses, —his Lordship said that the prisoner having had these papers found upon him at the critical moment, it became him to have given some explanation of them; they imported a reference to some plan for attacking the Tower. Explanation might have been given; but from the beginning to the end, no attempt had been made to shew that this had been conveyed into his pocket without his knowledge; no explanation that made the person otherwise than cognisant of their being in his possession. It would be recollected it had been proved, that the prisoner had been ruminating on the subject; had said they had not been early enough to the Tower, and that if they had, they might have been in possession of the Tower—this shewed there had been a meditated attack upon that place. His Lordship continued to read the remainder of the evidence for the Crown without any particular comment. [His Lordship becoming fatigued, from reading so many hours, and the heat of the day, was relieved by Mr. Justice Bayly, who occasionally read his notes.] He recapitulated the evidence of Hunt and Bryant, observing that these two witnesses, in giving their account of the transaction, did not agree; for Mr. Hunt had described the blow he gave the witness, Castle, as given before the bell had rung, whereas Bryant stated it to have been after. He observed that both of the witnesses concurred in the account of the toast given by Castle. There is no man of common sense and feeling but must reprobate giving such a toast, and hold in considerable abhorrence a man who had suffered such a toast to come from him: but it appeared that circumstance had not induced the prisoner to discard the company of Castle; on the contrary, he continued to associate with him. Tho' Castle was contradicted by Bryant and Hunt, he was not contradicted as to any material circumstances. I must say, observed the learned judge, they are very immaterial circumstances with reference to the main question; but they are circumstances which may assist you in some degree to appreciate the credit due to Castle. If their evidence could convince you that Castle in the account he has given, has wilfully spoken what he knew to be false, that would add to the discredit which belongs to him, in consequence of his having been engaged in such scenes of wickedness. But unless they satisfy you that he has wilfully misrepresented the facts, you will be materially assisted in forming your judgment as to the credit due to him, when you are considering other

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points with respect to which, from beginning to end he is completely confirmed; he has in many instances referred to persons as being present in transactions which he represents himself to have been concerned in, and in many instances those persons have been called to prove those parts of the transaction to which he has spoken. You will have an opportunity of looking through the whole of the evidence, with a view to see whether there is any witness who could be expected to be called upon the part of the crown, who is not brought forward. You will find that these witnesses have essentially confirmed Castle in all particulars; and it has been already observed, that on the other side they have not called Harrison and Keanes; in addition, they have called on the part of the prisoners a witness of the name of G. Philpot, who says that Castle is not to be believed on his oath; certainly the circumstances of Castle's criminality are such as would induce you to say he was open to suspicion, and that his evidence ought to be watched with the utmost care and caution by a Jury, before they acted on his testimony. But after the observations you have heard, hearing the account he has given, and considering the extent to which he has been corroborated, the circumstance of a single witness saying he is not to be believed on his oath, does not strike out the whole of his testimony. You are aware that the Counsel for the prisoner have this advantage—they are apprised before trial who are to be the different witnesses, but the Counsel for the Crown do not know who will be the witnesses to be opposed to them, and therefore, if they had the same advantage, it is probable that witnesses could have been called, who would have expressed the same opinion of Philpot, which he has stated as to Castle; at least it would have been competent for the Counsel for the Crown to have called them. They then call a witness to impeach Haywood—James Lawson says he would not believe Haywood on his oath: William Heydon says he has known him for five years; he does not consider him a person who ought to be believed on his oath: Robert Curtis has known Haywood for five years, he cannot say he ought not to be believed on his oath; George Spurrell says he knows him to be a rogue. Now, on the subject of Heywood's evidence, it is this:—that he heard Thistlewood apply to the soldiers at the Tower, and say, that if they would open the gates and side with him, they should be made officers, or have double pay; and you recollect that Haywood was pressed whether he had mentioned the fact to any other person. He stated, that on the same day he had mentioned it to Mr. Bent, who keeps a public-house, so that he might have referred to him; but you will recollect, the fact does not stand on the testimony of Haywood only, but on the oaths of two other persons who speak to similar transactions. It does not destroy the testimony of Haywood, unless you are satisfied that the evidence of the other witnesses is liable to be impeached: therefore, the important circumstance of endeavouring to seduce the soldiers from their duty is uncontradicted. Mr. Scott says he is a reporter for the Morning Advertiser; he was at the Spa-fields meeting; he could not maintain his ground; he says he was pushed about and could not take a note: the object of his

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Trials for High Treason!!

FAIRBURN'S EDITION.

No. 23.

Lord Ellenborough's Charge concluded.—The Verdict.—Arraignment and Discharge of Thistlewood, Preston, and Hooper.

testimony is to induce you to believe that the evidence of Dowling could not have been accurate. Whether Mr. Dowling could or not take an accurate note, must have depended in a great degree on the place in which Mr. Dowling was standing. Mr. Dowling might have stood in a situation where he was less likely to be disturbed than the person to whose evidence I am referring. Besides, Mr. Dowling produces to you the very paper taken by him in short hand, and he has read from beginning to end what was said. Samuel Steer says he knows Mr. Dowling; he cannot say that he has had any conversation with him about his obtaining a place: that is an explanation of what was thrown out, as if Dowling was not giving his evidence for the sake of justice, but had a purpose of his own to serve, and had falsely given his evidence. The answer of Dowling is this: that in consequence of his connection with a weekly newspaper, he had been employed to attend the meeting: he was asked whether he had been employed by Government, or had received any promise of remuneration? He says he has been promised to be paid as a short-hand writer; he never said he had been promised to be paid otherwise than as a short-hand writer. He never applied for an appointment under Government or expected any. The utmost that can be said is, that he has been employed by Government, and expects to be duly and fairly paid, having given up his time. Gentlemen (said Mr. Justice Bayly), I have now gone through the whole of the evidence, making such observations as have occurred to me. I am not aware that I have omitted any thing.

Lord Ellenborough. Gentlemen, I shall make but very few observations on the latter part of the case. Nothing is more easy than to contradict the character of a person by saying he is not worthy to be believed on his oath. The prisoner has notice of all the witnesses who are to be called to impeach his character and to establish the case against him, but the Crown has no notice who are to come forward, and by summary declarations strip the persons they produce as witnesses of their credit. If those who conduct the prosecution for the Crown had known who were to be produced for the purpose of exposing the witness Castle, to the infamy of not being believed on his oath, they might have been provided with witnesses to shew that the person himself who has given such testimony of Castle was not worthy to be believed on his oath; therefore declarations of this sort are to be received with caution. When a person says a witness is not to be believed on his oath, because he is not a punctual paymaster, that is assigning a reason which certainly does not warrant such a conclusion. The evidence that presses most on his character, is to be found in the testimony of Mr. Hunt, who states

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that he was at a meeting at which the health of the king was drank, and that Castle, who was present, refused to drink it, and proposed the sentiment which I need not repeat to you. Now, if this Castle had been a man maintaining a character for loyalty, there might be something in the learned counsel so strongly adverting to this circumstance, and inferring that a man ought not to be believed on his oath, who would propose a toast of this kind; but you find it is he himself who brings forward this story about strangling the last of kings. He is not attempting to cover his own character by any delicacy of observation. He certainly had no interest in stating any thing on the subject that is not consistent with truth. If some part of what is stated of him is true, it is likely that, fatigued with the labour of the day, and coming intoxicated to the meeting, there may be a great deal of what passed that has escaped his recollection; but there are other things, for which there is not the same excuse for non-contradiction. He has taken up a period of time, from November to December, in respect of which he has laid himself open to contradiction, but more particularly as to the transactions immediately connected with the business of the day. With respect to these, contradiction there is none. What has been said in denial of the important business of hiring the house? Mr. Cosser states all the particulars, and verifies the account given by Castle. He falsifies Thistlewood as to the pretence of the father of young Watson being a farmer. Then Mr. Bent, who speaks as to the pikes; he is altogether without contradiction. The discovery is made by an officer, and his evidence is not contradicted. In short, every circumstance that is material in confirmation of the evidence of Castle, is verified. There is only a solitary circumstance picked out which rests on the sole testimony of Mr. Hunt, and he is not verified by the only ear-witness who might have been called; and I am alluding to that part of the case where Castle is supposed to have said, that the Tower was in possession of his friends. It appears there was a boy close by him. Where is that boy? Where the oath of Castle is opposed to the oath of another, what is there to disparage him? Why has not Mr. Hunt brought forward the necessary fortification of his own credit? But it does not rest here.—The case has been put as if it all rested on the evidence of Castle;—there is the most conclusive evidence drawn from the person of the prisoner himself. The paper found upon him is inexplicable with innocence. It contains the appointed places of meeting; the designation of the Tower and the Bank, by the description of the old man and the old lady—the explanation is put in an opposite column, and all the arrangement is followed up in the manner Castle has stated. What reason is assigned for trying to get this house of Mr. Cosser? Had they not the house in Hyde-street, Bloomsbury? Had not the prisoner enough in point of expense for a man in his indigent circumstances? What reason was there at all consistent for his taking another house, except that he might have a place of deposit for combustibles? The house was taken for his son, and his son was never seen in the shop. It is not suggested that the prisoner had any other business or occupation which required him to take this house. You will weigh all these circumstances in your mind; you will consider not only the unimportant, but the important parts of the case. The important part derives additional aid from the evidence of those who speak to the transactions at the Tower, and the endeavours to seduce the soldiers. All this receives fur-

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ther confirmation from the testimony of the short-hand writer who took down the words, "If I jump down will you follow me?" If you believe that the prisoner and his son were parties to a design which had violence and insurrection for its object; or, that there was any thing in this inflammatory speech to the mob, appealing to them and calling upon them to manifest a spirit of resistance—or inferring that if the people assembled would support them, they would descend from the waggon, rear the standard of rebellion, and lead them on as to battle, you will in that case pronounce the prisoner guilty. You have the elder Watson on that day speaking in Smithfield, and saying, that if they had followed him they would have been in possession of the Tower long ago. Can you, then, entertain the least doubt that it was the intention of the prisoner to overset the Government, by a rebellious opposition to his majesty and the constituted authorities of the state? You will give your judgment, after weighing all the circumstances of the case, dispassionately. On the one hand, you will give your protection to the prisoner at the bar, if he is entitled to it; and, on the other, you will afford your protection to the laws of the land and the constitution of the country with which you are entrusted.

The Jury were about to retire to the room prepared for their deliberation, when they were addressed by Lord Ellenborough, who said, that, as they must be fatigued, the Court would willingly allow them to take refreshments, but they must receive them in their box; after they had retired, the law would allow them none, until they had delivered their verdict. One of the Jury thanked his Lordship, and observed, that a cup of tea would be very acceptable. They were told, that tea would be ready in ten minutes. After a pause, the Jury said, that to save the time of the Court, they would dispense with refreshment. The Court observed, that some might be necessary, and that wine and water could be soon had. It was then ordered, and one or two bottles of wine, with some water, were brought into Court, of which the Jury partook. Lord Ellenborough told them not to be in a hurry; the Court would very readily wait.

At a quarter before 5 o'clock the Jury retired, and were committed to the care of an officer, who took the following oath:—

"You shall well and truly keep this Jury without meat, drink, or fire; you shall suffer no person whatever to speak to them, nor you yourself, unless it be to ask them whether they are agreed or not."

The Jury was absent about an hour and three quarters; when they returned into Court, all countenances were fixed upon theirs, and a breathless anxiety prevailed. Having answered to their names, Mr. Barlow, the clerk of the Crown-Office, addressed them as follows:—

Gentlemen, look upon the prisoner at the bar—what say you—are you agreed to your verdict—Is the prisoner guilty of the treason and offences with which he stands charged, or not guilty?—

Mr. Richardson, the foreman, with a distinct and firm voice, pronounced the verdict—NOT GUILTY.

A barrister, drawing aside the green curtain, immediately cried out towards the Hall — "Acquitted." He was only heard by a small part of the company, but their plaudits immediately made it known to the others, when a general and simultaneous burst of applause instantly echoed from all parts of the Hall.

Lord Ellenborough expressed his indignation at such an outrageous and indecent clamour; but Mr. Barlow assured his Lordship that it did not proceed from the body of

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the Court. The concourse within and without the Hall was immense.

As soon as silence was obtained, Mr. Watson asked permission to say a few words. One or two gentlemen near him intimated that as his counsel, Mr. Wetherell, had withdrawn, this might not be proper; but the Court appeared willing to hear him. Watson, bowing respectfully to the jury, and laying his hand on his heart, said, with great force and feeling, "Gentlemen, I thank you much."

Lord Ellenborough asked the Attorney-General if he had any other charge against the prisoner?

The Attorney-General answered "No, my Lord."

Lord Ellenborough replied "then let him be discharged."

Mr. Watson, with Mr. Harmer, his solicitor, then proceeded by a private passage into Palace-yard. He afterwards dined with Mr. Harmer, at his house, in Hatton-garden. On quitting Mr. Harmer's, in a hackney-coach, the populace took the horses from the coach, and drew him down Holborn, and through Fleet-street, till he arrived at Mr. West's, wire-worker, (one of his bail), in Wych-street, Drury-lane, where he alighted. The populace soon after called out "Watson! Watson!" Mr. West made his appearance at the first-floor window, and addressed the numerous spectators as follows:—"Mr. Watson, in his repeated journies to and from the Tower, and his close attention in the Court of King's Bench on his trial, is so fatigued, that he is really incapable of addressing you. Gentlemen, let me entreat you to conduct yourselves with propriety and good order; recollect the laws, and that a magistrate can immediately disperse you. He desires me to inform you of his heartfelt gratitude for your good wishes towards him; it will be engraven on his heart, but he has not voice to thank you as he feels. Gentlemen, he will show himself to you, and he trusts that you will then depart quietly to your homes. He will also drink all your good healths in a bottle of old wine."—Mr. Watson now showed himself at the window. He bowed repeatedly, and, on his retiring, placed his hand on his heart. He appeared much exhausted. "*Home! Home!*" was then the general cry, and the people dispersed peaceably.

It appears that the Jury were, at the instant of their retiring from the court, unanimous in the verdict they afterwards delivered. The cause of their delay in announcing it was one which illustrates the integrity of their decision, and shews the unbiassed process by which it was formed. On their retiring, they agreed that each one, in the order in which his name stood in their list, should deliver his opinion with his reasons for it. This was done, and the opinion given by every one in his turn, was 'Not Guilty;' their reasons for forming it occupied the hour and three quarters of their absence.

EIGHTH DAY,
TUESDAY, JUNE 17.

About one o'clock the three prisoners, Preston, Thistlewood, and Hooper, arrived from the Tower, attended by the warders as before, and were placed at the bar. The jury were immediately called over and placed in the box.

The prisoners, holding up their hands, were arraigned by the proper officer. Proclamation was likewise made, after which

The Attorney-General, addressing their Lordships, said I rise for the purpose of informing the court that it is not my intention to call any evidence in support of the charges against the prisoners at the bar.

Lord Ellenborough. Gentlemen of the Jury, as no evidence is

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brought forward against the prisoners, it will be your duty to find them not guilty that they may be discharged.

Clerk of the Court. Gentlemen, are Arthur Thistlewood, Richard Hooper, and Thomas Preston, guilty of the treason whereof they stand indicted, or not guilty?

Foreman of the Jury. "Not Guilty."

Lord Ellenborough. Mr. Attorney-General, have you any further charge against the prisoners?

The Attorney-General. I have no other charge, my Lord.

Lord Ellenborough. You say you have no further charge; therefore I shall order them forthwith to be discharged.

Mr. Harmer now conducted the prisoners out of court, when Hooper, by the advice of his solicitor, avoided the crowd, by getting into a hackney-coach, and taking a circuitous route. Preston accompanied Mr. Harmer the back way from the court, took a boat at Westminster-bridge, and landed at the stairs at the bottom of Strand-lane; they walked to the house of Mr. West, in Wych-street. Thistlewood took coach at the court, and several of his friends got in with him; they were recognized, and shouts succeeding each other were heard at a great distance, which caused the increase of the crowd. Every one seemed eager to shake hands with them, the horses were taken out, and they were drawn to Mr. West's, where their friends were assembled, and where Mr. Watson was drawn to on the preceding night. In a short time after they had alighted, Preston and Mr. Harmer came up the street, and it was a considerable time before they could get into the house. Preston thanked the people for their kindness, and begged they would disperse. After they had entered the house, the crowd called for Thistlewood and Preston to shew themselves at the window. In a few minutes they came forward, and Preston addressed the people as follows:—"I have not power to express my gratitude to so large a body of people as are here assembled, being almost worn out by constant anxiety, agitation, and confinement. I thank you for your kindness, and for the very general feeling which has so strongly manifested itself in favour of myself and persecuted friends. This, gentlemen, has been a signal triumph,—it is the triumph of the people over injustice,—our cause has found its way into the hearts of Englishmen,—and happily has the struggle, which affected not only you, but your children, and your children's children's rights and liberties, terminated. Beware of the wolves! do not commit yourselves! they will, if possible, entrap you! but, thank God, we have an honest jury in the country. I now beg you will disperse as quietly as possible."—The crowd now called for Thistlewood. He appeared, and spoke as follows:—"I am scarcely able to address you, my feelings have been so much over-powered, by being so suddenly set at liberty, after the anxiety I have experienced through so long a trial. I have ever tried to do my duty; my life shall be devoted to your cause."—The multitude then peaceably dispersed.

THE END.

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The Plate in No. 20 (View of the Court) to be the Frontispiece to the Volume.

The Portrait of Watson (in No. 5) to be placed after the Preface; and those of Thistlewood, Hooper, and Preston, to come in immediately after Watson.

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